FEDERAL REGISTER

VOLUME 24 NUMBER 228

Washington, Saturday, November 21, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Civilian-Military Liaison Committee

Effective upon publication in the FEDERAL REGISTER, § 6.365(a) is added to Schedule C as set out below.

§ 6.365 Civilian-Military Liaison Committee.

(a) One Private Secretary to the Chairman.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-9887; Filed, Nov. 20, 1959; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959, Supp. 1, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Soybean Loan and Purchase Agreement Program

ELIGIBLE SOYBEANS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 24 F.R., 4128, 4449, 5959 and, 6238 and containing the specific requirements for the 1959-Crop Soybean Price Support Program are amended as follows:

1. Section 421.4428 is amended by adding a new paragraph (e) to provide that soybeans containing in excess of 14 percent moisture stored in an approved warehouse under loan or purchase agreement and otherwise meeting eligibility requirements are eligible for price support if a statement is furnished by the warehouseman. The new paragraph (e) reads as follows:

§ 421.4428 Eligible soybeans.

* * * * *

(e) Notwithstanding the foregoing provisions of this section, soybeans which are ineligible for a warehouse-storage loan or for delivery from approved warehouse storage under a purchase agreement solely because of containing in excess of 14 percent moisture will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that soybeans of 14 percent moisture or less of an eligible grade and quality which meet the requirements of this section will be delivered. The certification shall be substantially as follows:

On soybeans containing in excess of 14 percent moisture delivery will be made of soybeans which grade No. _____ which contain not in excess of 14 percent moisture, which are otherwise of the same quality or better as the soybeans described on warehouse receipt No. _____, and which are the actual quantity obtained after drying the soybeans described in such receipt to not in excess of 14 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

2. Section 421.4429 is amended by adding a new paragraph (g) to provide that if the warehouseman furnishes a statement as provided in § 421.4428(e) the numerical grade, grading factors and quantity of the soybeans to be delivered must be shown on the supplemental certificate. The new paragraph (g) reads as follows:

§ 421.4429 Warehouse receipts.

* * * * *

(g) If the warehouseman has furnished a statement as provided in

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§ 421.4428(e), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the soybeans to be delivered. Where the grade, grading factors and the quantity of the soybeans shown on the supplemental certificate do not agree with the

warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1053, as amended; 15 U.S.C. 714c, 7 U.S.C. 1446d, 1447, 1421)

Issued this 18th day of November 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-9892; Filed, Nov. 20, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 171]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.471 Navel Orange Regulation 171.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 19, 1959.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 22, 1959, and ending at 12:01 a.m., P.s.t., November 29, 1959, are hereby fixed as follows:

(i) District 1: 600,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 20, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9954; Filed, Nov. 20, 1959; 11:28 a.m.]

[Lemon Reg. 820]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.927 Lemon Regulation 820.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 18, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 22, 1959, and ending at 12:01 a.m., P.s.t., November 29, 1959, are hereby fixed as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 111,600 cartons;
(iii) District 3: 41,850 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9938; Filed, Nov. 20, 1959; 8:58 a.m.]

[Avocado Order 19, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

Findings. 1. Pursuant to the marketing agreement, as amended, and Order

No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and good cause exists for making the provisions hereof effective not later than November 23, 1959. The Avocado Administrative Committee at its meeting on November 10, 1959, considered the effects of container regulation as currently prescribed by Avocado Order 19; such meeting was held after due notice thereof and growers and handlers were given opportunity to submit views and data concerning such regulation, it was concluded that it is necessary to specify a minimum net weight for the prescribed containers other than with dimensions 11 by 16¾ by 10 inches; the recommendation and supporting information for such container regulation subsequent to November 23, 1959, and in the manner provided herein, were promptly submitted to the Department after such meeting and information concerning such recommendation was disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective at the time hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered, That paragraph (b) (1) of § 969.319 (Avocado Order 19, 24 F.R. 7355) is hereby amended by adding at the end thereof a new subdivision (x) reading as follows:

(x) With respect to the containers prescribed in subdivisions (v) through (vii) of this subparagraph, the net weight of the avocados in any such container shall be not less than 11½ pounds: *Provided,* That, when such containers are packed with more than 16 avocados, the net weight of such avocados shall be not less than 11 pounds: *And provided further,* That, not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

Effective time. The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., November 23, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1959.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9881; Filed, Nov. 20, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 182; Amdt. 53]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Aircraft

In order to provide for a modification, after which inspection is required only every 300 flight-hours, AD 59–15–1 (24 F.R. 6156 as amended in 24 F.R. 6975) on Boeing 707 series aircraft landing gear truck beam failures is superseded by a new directive.

Since this amendment constitutes a relaxation, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59–21–1 BOEING. Applies to all Model 707 aircraft.

Compliance required as indicated.

As a result of failures of the landing gear truck beam and related components, conduct the following inspection at periods not to exceed 60 flight-hours and immediately after jacking operations and immediately after any main landing gear snubber failure.

Thoroughly clean the main landing gear truck beams and visually inspect the beams for scratches, gouges, corrosion or impact dents. Straps around beams do not require removal unless damage in adjacent areas indicates need for strap removal. Pay particular attention to the forward area of beam where contact is possible with the torsion link pivot pin retaining bolt and to the aft area of beam where contact is possible with the shock strut inner cylinder if a snubber should fail. Truck beams exhibiting corrosion, scratches and gouges may be returned to service after repair in accordance with FAA approved Boeing Service Bulletin No. 142 (R–1). Beams with impact dents exceeding 0.005 inch in depth must be replaced before next flight. No repair permitted for impact dents. After every snubber failure, the centering cylinder must be dismantled and inspected and if damaged may be repaired in accordance with the manufacturer's instruction. (Boeing Service Bulletin No. 142 (R–1) pertains to this same subject.)

When the automatic brake cylinder and piston in the main landing gear metering valve are replaced with a new Boeing actuator assembly, 69–10763, and the landing gear snubber assembly and main landing gear centering cylinders reworked, all in accordance with FAA approved Boeing Service Bulletin No. 535 and No. 535B, the inspection interval may be extended from 60 to 300 flight-hours.

This supersedes AD 59–15–1.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 17, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59-9857; Filed, Nov. 20, 1959; 8:45 a.m.]

[Reg. Docket No. 183; Amdt. 54]

PART 507—AIRWORTHINESS DIRECTIVES

Mooney M–18 Aircraft

There have been several reports of wood cracking and deterioration, glue joint deterioration, and tail looseness on Mooney M–18 Series aircraft. Also, similar deterioration was noted during the investigation of a recent fatal accident of a Mooney M18C55 which had an in-flight failure of the right elevator and stabilizer. In this investigation evidence also was found of cracked welds, welds with poor penetration, and welds with small fillets. To assure that similar unairworthy conditions do not exist on other aircraft, inspections, repairs, and replacements shall be accomplished.

For the reasons stated above, the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59–22–3 MOONEY. Applies to all Mooney M–18 Series aircraft.

Compliance required within the next 10 flight-hours but not later than December 15, 1959.

The following inspections, repairs, and replacements shall be accomplished:

(a) Empennage:

(1) Remove and disassemble empennage. Remove control surfaces and hinge brackets from fin and horizontal stabilizer. Remove bolts through stabilizer main spar attach blocks. Disassemble stabilizer and fin from empennage truss and each other.

(2) Inspect all bolted joints for the following items:

(i) Wear on bolt

(ii) Wear on bolt holes in fittings and lugs

(iii) Wear on bushing

(iv) Wear of bushing on fittings, lugs and wood. (Replace parts as necessary.)

(3) Remove all fabric from stabilizer and fin. Inspect all wood and glue joints including attachment of leading edge skin to main spar for deterioration.

(4) At center section of stabilizer spar inspect glue joint between attach blocks and spar for deterioration and inspect spar and blocks for cracks. Inspect fin spar for cracks at attach bolts.

(5) Any defective wood parts shall be replaced or repaired in accordance with CAM 18 and/or manufacturer's recommendation. When the fin and stabilizer are satisfactory, reinforcement of the stabilizer main spar center section and the fin and stabilizer center hinge rib-rear spar attachment shall be accomplished in accordance with Mooney M–18 Service Letter No. 16. (Kits of rein-

forcement parts are available from Mooney Aircraft, Inc.)

(6) Clean all empennage drain holes, and see that they are located as specified in Mooney M–18 Service Letter 16.

(7) Inspect welds at rudder and elevator hinges and control horns and at all joints on the tail truss for inadequate welds (i.e. weld which does not fill fillet cross section area) and for cracks using either method (i) or (ii) below.

(i) Magnetic particle or X-ray inspection.

(ii) Remove paint and primer and visually inspect welds with a 10-power glass.

Parts with defective welds are to be replaced or repaired. A joint may be rewelded providing the old weld is removed and the surfaces thoroughly cleaned.

(8) Remove upper tail truss attach fittings from aft fuselage bulkhead and inspect as described in item (2). Inspect bulkhead front and back for cracks in area of these fittings. Inspect glue joint between bulkhead and aft fuselage skin and longerons for deterioration or separation. Repair in accordance with Mooney M–18 Service Letter No. 17. Examine trim linkage attached to lower part of aft bulkhead for worn bolts. Replace bolts as necessary.

(9) Reassemble and install empennage making sure all bolts are tight. Block airplane solidly at tail skid and inspect for empennage play as follows:

(i) Stabilizer: Move up and down at one tip and measure at opposite tip. Total allowable play ½ inch up and down.

(ii) Stabilizer: Move fore and aft at one tip and measure at opposite tip. Total allowable play ¾ inch fore and aft.

(iii) Fin: Move fore and aft at top leading edge and measure at bottom of rudder trailing edge. Total allowable play ½ inch up and down.

(b) Aft Fuselage:

(1) Inspect wood around forward fuselage tubular structure attach fittings for deterioration. Clean all drain holes. Inspect all glue joints for deterioration. See that drain holes are located as specified in Mooney M–18 Service Letter 16.

(c) Wing:

(1) Remove seat, auxiliary fuel tank and belly access panel.

Inspect ribs, skin and both spars at lower center section and around fuselage fittings for wood and glue joint deterioration.

(2) Inspect all wood and glue joints in wheel well area for deterioration. Inspect both spars for cracks in area of the gear attachments.

(3) Inspect interior of wing in areas having access openings.

(4) Remove aileron and inspect hinges and control horn in accordance with part (a), item (7).

(5) Remove wing fabric locally in area of aileron hinges and at inboard corner of aileron cutout and check condition of wood and glue joints. If evidence of deterioration is found remove fabric further as necessary for complete examination of forward area of wing trailing edge. Check security of attachment of wing trailing edge in aileron area.

(6) Clean all drain holes in wing, and see that they are located as specified in Mooney M–18 Service Letter 16.

(d) Control Systems:

(1) Inspect all control systems (aileron, trim, rudder, and elevator).

(i) Visually inspect all welds for cracks and inadequate welds (i.e., weld which does not completely fill fillet cross section area).

(ii) Check security of all bolted hinge and fitting attach points.

(Mooney M–18 Service Letters Nos. 16 and 17 pertain to this same subject)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 17, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59–9858; Filed, Nov. 20, 1959; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–FW–25]

[Amdt. 42]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.44 of the regulations of the Administrator is to change the altitude limits of the Fort Sill, Okla., Restricted Area (R–208) (Oklahoma City Chart) from "Surface to 45,000 feet MSL" to "Surface to 65,000 feet MSL."

The increase of the upper altitude limits of R–208 to 65,000 feet MSL has been requested by the Department of the Army in order that it may conduct a program for testing new weapons and ammunition to determine their full employment capabilities.

In addition to the Department of the Army, the Navy and the Air Force utilize the airspace above 45,000 feet. This action has been coordinated with the Navy and the Air Force and they have indicated that they have no objection. No civil aircraft operate above 45,000 feet.

In view of the fact that the Departments of the Navy and the Air Force have been specifically notified of this action, and because no additional burden is imposed on any other person, compliance with the notice, public procedures and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.44, the Fort Sill, Okla., Restricted Area (R–208) (Oklahoma City Chart) (23 F.R. 8586, 24 F.R. 2234) is amended by deleting "Surface to 45,000 feet MSL." and substituting therefor "Surface to 65,000 feet MSL."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 17, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59–9859; Filed, Nov. 20, 1959; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Texas City Disaster Claims

Sections 536.110 through 536.123 are revoked and the following substituted therefor:

§ 536.110 Purpose.

The regulations in §§ 536.110 to 536.129 set forth the rules of procedure for handling claims against the United States for death and personal injury proximately resulting from the explosion and fires at Texas City, Texas, on April 16 and 17, 1947, under the act of August 12, 1955 (69 Stat. 707), as amended (act of July 9, 1956, 70 Stat. 516; act of September 25, 1959, 73 Stat. 706), hereinafter referred to as the "act."

§ 536.111 Scope.

(a) *Limitations as to claimants.* Only those claims which are a part of a civil action against the United States in a United States district court on or before April 25, 1950 shall be entertained under the regulations in §§ 536.110 to 536.129, except that this limitation date may be waived where it is determined by the approving authority that for good cause such as infancy, insanity, or other legal reason, claimant was unable to bring such civil action. However, the limitations of this section shall not apply to:

(1) Claims based upon death;

(2) Claims based upon permanent disabilities which are determined by The Surgeon General, United States Army, to be 40 per centum or more disabling in accordance with the standard schedule of rating disabilities in current use by the Veterans Administration; or

(3) Claims asserted by the brother or sister of a deceased person who was totally dependent upon the deceased person and was permanently and totally disabled at the time of the death of such deceased person.

(b) *Limitations as to time for filing.* Claimants are required to submit their claims in writing on or before December 24, 1959.

(c) *Limitation as to amount of award.* No claim based upon the death of or personal injury to any one individual may be approved in an amount in excess of $25,000. A claim based upon the death of or injury to two or more persons may be approved in a total amount in excess of $25,000 if warranted by the evidence, provided that not more than $25,000 shall be allowed on the basis of each death or personal injury involved.

§ 536.112 Law applicable.

Except as otherwise provided in the Act, the law of the State of Texas shall apply.

§ 536.113 Applicability of §§ 536.1 to 536.11b.

The procedural rules in §§ 536.1 to 536.11b are applicable unless inconsistent with the regulations in §§ 536.110 to 536.129 and the policies and procedures adopted by the Chief, Claims Division, Office of The Judge Advocate General, for the settlement of Texas City disaster claims.

§ 536.114 Who may present a claim.

(a) Claims for awards based upon death shall be submitted only by the following persons:

(1) A surviving husband, wife, parent, or child of the deceased;

(2) A duly appointed executor or administrator of the estate of the deceased

on behalf of a person or persons listed in subparagraph (1) of this paragraph;

(3) The heirs of a deceased claimant or by the executor or administrator of a deceased claimant;

(4) A totally and permanently disabled brother or sister of a deceased person who was totally dependent upon the deceased person.

(b) Claims for personal injuries may be submitted only by the following persons:

(1) The injured person;

(2) The duly appointed agent or legal representative of the injured person; or

(3) The heirs or executor or administrator of a person since deceased who suffered personal injuries in the Texas City disaster.

§ 536.115 Form of claim.

(a) *Submission of claim.* Claims may be submitted by presenting, in triplicate, properly completed DA Form 1572, as available, or Standard Form 95. Forms may be procured from the Chief, Claims Division, Office of The Judge Advocate General, Fort Holabird, Baltimore 19, Md., or from the Commanding Officer, Detachment No. 1, Field Office, Claims Division, Office of The Judge Advocate General, Santa Fe Building, Galveston, Texas. If official forms are available, any writing which contains substantially the information indicated on DA Form 1572 (See § 536.129) will be accepted.

(b) *Signature.* The claim form and all other papers requiring signature of the claimant should be signed by the claimant personally or by a duly authorized agent or representative. The signature should include the given name, middle initial, if any, and surname of the signer. In claims for death, the person indicated in paragraph (a) of this section may sign if applicable. All signatures must be in ink and should be identical on all papers. When a claim is signed by a married woman, it should be signed in her given name, e.g., "Mary A. Roe" instead of "Mrs. John Roe." Women who have married since the disaster, or others who have changed their names since the date of the disaster, will sign their present name but will indicate in parentheses their surname at the time of the disaster. A claim signed by a representative or agent will show his title or capacity and will be accompanied by evidence of the authority of such person to act.

§ 536.116 Presentation of claim.

(a) *Time of filing claims.* The claim must be submitted on or before December 24, 1959, to the Chief, Claims Division, Office of The Judge Advocate General, Fort Holabird, Baltimore 19, Md., or to the Commanding Officer, Detachment No. 1, Field Office, Claims Division, Office of The Judge Advocate General, Santa Fe Building, Galveston, Tex. All claims transmitted through the U.S. mails which are postmarked prior to midnight, December 24, 1959, shall be considered as timely filed.

(b) *Evidence to be submitted by claimant*—(1) *Proof generally.* A claim should be accompanied by all competent evidence available to the claimant, including medical records, concerning the cause and circumstances of personal injury or death for which the claim is made.

(2) *Medical evidence.* A recent complete physical examination by the doctor or doctors of the claimant's own choosing will be submitted. Official forms for use in reporting the results of the physical examination will be supplied by the Chief, Claims Division, Office of The Judge Advocate General, Fort Holabird, Baltimore 19, Md., or by the Commanding Officer, Detachment No. 1, Field Office, Claims Division, Office of The Judge Advocate General, Santa Fe Building, Galveston, Texas. The report of medical examination will cover specifically the following points:

(i) Descriptive analysis of the case including a summary of the injured person's history and complaints.

(ii) Diagnosis.

(iii) Indication of the disability as temporary or permanent, and the per centum of such disability.

(iv) Evaluation of the past and future physical and mental pain and suffering involved, as slight, moderate, severe or extreme, with an explanation of the evaluation.

(v) Estimate of future medical expense.

(vi) Opinion as to the causal relationship between the Texas City disaster and the injuries alleged.

(3) *Unavailability of claimant for medical examination.* In instances where the injured person has since died or is for other reasons unavailable for physical examination, the claimant will submit all available medical records and reports relative to the nature and extent of the injuries.

§ 536.117 Medical examinations and evaluations.

(a) *Initial medical examination and evaluation.* An officer designated by The Surgeon General will examine the reports of medical examination accomplished by claimant's doctor and determine where possible the per centum of disability according to the current Veterans Administration standard schedule of rating disabilities. In instances where the disability of the injured person, attributable to the Texas City disaster, is above 40 per centum or clearly below 40 per centum, the medical officer designated by The Surgeon General will so advise the Chief, Claims Division, Office of The Judge Advocate General. In borderline cases or in instances where for other reasons the medical officer deems reexamination required, the injured person will be admitted to the nearest Army medical facility for physical examination. The report of such medical reexamination will be evaluated by the medical officer who made the original evaluation and the Chief, Claims Division, will be advised as to the determination.

(b) *Review of initial medical evaluation.* In the event that the officer who made the original evaluation deems such action advisable or if the claimant requests a review of the determination of the medical officer, the medical records will be transmitted to The Surgeon General for review and determination of the per centum of disability. The determination of The Surgeon General shall be final and conclusive for all purposes, except that The Surgeon General may reconsider his own action for good cause. Upon determination of the per centum of disability according to Veterans Administration standards, the Chief, Claims Division, will be so advised.

(c) *Persons unavailable for medical examination.* If the injured person is dead or otherwise unavailable for physical examination, the per centum of permanent physical disability will be fixed, if possible, by The Surgeon General from records and reports submitted by the claimant pertaining to the injured person.

§ 536.118 Designation of approving authority.

Claims presented under the regulations in §§ 536.110 to 536.129 may be settled by the Chief, Claims Division, Office of The Judge Advocate General, Fort Holabird, Baltimore 19, Md., or any officer of the Judge Advocate General's Corps assigned to the Claims Division or to Detachment No. 1, Field Office, Claims Division, Office of The Judge Advocate General, Santa Fe Building, Galveston, Texas, subject to such limitations as the Chief, Claims Division, may prescribe.

§ 536.119 Amount payable.

(a) The approving authority will reduce any amount determined to be meritorious on a claim by an amount equal to the total insurance benefits (except life insurance benefits) or other payments, or settlement of any nature, previously paid with respect to the claim.

(b) The approving authority will not include in any award any amount for reimbursement to any insurance company, compensation insurance fund, or other insurer for loss payments made by such company, fund or insurer. However, voluntary donations by employers, private or public charities and similar agencies will not be deducted.

§ 536.120 Consideration of previously filed claims.

All claims filed after August 12, 1955 and before September 25, 1959 shall be reexamined to determine which claims are authorized to be reconsidered under the act. Notice shall be given to claimant and to their attorneys, if any, that such claims will be reconsidered. The notice shall be in the form of a letter to the last known address of the claimant or his attorney.

§ 536.121 Notice to claimants of right to submit claim.

When a file pertaining to a claim submitted under this act shows that a person other than a person who submitted the claim would be entitled to recover under the act if he submitted a claim, the person will be so notified. The notice shall be sufficient if it is in the form of a letter to the last known address of claimant or the attorney.

§ 536.122 Settlement agreement and assignment.

When a claim within the monetary jurisdiction of the approving authority has been approved, the claimant or his duly authorized agent or representative will be requested to sign and return to the approving authority, in triplicate, a settlement agreement and assignment substantially as follows:

I hereby agree to accept $_____ in full satisfaction and final settlement of all claims which I have or may have against the United States, its officers, agents, employees, or instrumentalities for (death) (personal injuries) resulting from the disaster at Texas City, Texas, on April 16 and 17, 1947; and I hereby transfer, set over, and assign to the United States any and all rights of action against a third party arising from the (death) (personal injuries) claim with respect to which settlement is made.

§ 536.123 Acceptance of award.

The acceptance by a claimant or his duly authorized agent or representative of any award or settlement made pursuant to the act and the regulations in §§ 536.110 to 536.129 shall constitute a complete release by the claimant of any and all claims against the United States, its officers, agents, employees or instrumentalities arising out of the Texas City disaster of April 16–17, 1947.

§ 536.124 Payment.

Awards made by the approving authority under the act and the regulations in §§ 536.110 to 536.129 shall be paid, pursuant to the act, by the Secretary of the Treasury.

§ 536.125 Subrogation.

Payments approved on death, personal injury and property loss claims shall not be subject to insurance subrogation claims in any respect.

§ 536.126 Transfers and assignments.

No claim cognizable under the act and the regulations in §§ 536.110 to 536.129 will be assigned or transferred except to the United States as provided in § 536.122.

§ 536.127 Attorney and agent fees.

Attorney and agent fees shall be paid by claimants out of the awards made pursuant to the act and the regulations in §§ 536.110 to 536.129. No attorney or agent, on account of services rendered in connection with a claim, shall receive in excess of 10 per centum of the award made, any contract to the contrary notwithstanding.

§ 536.128 Penalty for violations.

The act provides for punishment for violation of its provisions by a fine in a sum not to exceed $5,000.

[AR 25–150, Oct. 29, 1959] (Secs. 2–12, 69 Stat. 707–709, as amended by act of July 9, 1956, 70 Stat. 516, and act of Sept. 25, 1959, 73 Stat. 706)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–9856; Filed, Nov. 20, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2016]

[1592311]

FLORIDA

Revoking Reservation for Lighthouse Purposes (Fort Jefferson National Monument)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The order of September 28, 1887, of the Acting Secretary of War, confirmed by Executive Order No. 2112 of January 4, 1935, transferring to the Treasury Department for lighthouse purposes, a sand spit on the southern tip of Garden Key, containing about two acres, lying outside the walls of Fort Jefferson, Dry Tortugas, for the erection of a coal and buoy shed for use of the Lighthouse Establishment, is hereby revoked.

The land was included in the Fort Jefferson National Monument as established by Executive Order No. 2112.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 16, 1959.

[F.R. Doc. 59–9872; Filed, Nov. 20, 1959; 8:46 a.m.]

[Public Land Order 2017]

[Wyoming 059587]

WYOMING

Withdrawal for Reclamation Purposes; Missouri River Basin Project, Boysen Unit

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights the following-described public lands are hereby withdrawn in the first form, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved under jurisdiction of the Bureau of Reclamation for use in connection with the Boysen Unit, Missouri River Basin Project:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 94 W.,
Sec. 16.
T. 39 N., R. 94 W.,
Sec. 16, W½NW¼.

Containing 720 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 16, 1959.

[F. R. Doc. 59–9873; Filed, Nov. 20, 1959; 8:46 a.m.]

[Public Land Order 2018]

[Colorado 016678]

COLORADO

Withdrawing Public Lands for Use in Connection With Shadow Mountain National Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing existing rights, the following-described public lands, and the minerals reserved to the United States in the patented lands (designated by an asterisk), are hereby withdrawn from all forms of appropriation under the public lands laws, including the mining and the mineral leasing laws, and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved as follows:

a. Under jurisdiction of the National Park Service for public recreation purposes and for the protection of the Shadow Mountain National Recreation Area:

SIXTH PRINCIPAL MERIDIAN

T. 3 N., R. 76 W.,
Sec. 27, NW¼SE¼.

b. Under jurisdiction of the Bureau of Land Management for protection of the recreation values of the Shadow Mountain National Recreation Area:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 76 W.,
Sec. 4, SE¼.

The areas described contain 200 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 16, 1959.

[F.R. Doc. 59–9874; Filed, Nov. 20, 1959; 8:46 a.m.]

[Public Land Order 2019]

[79964]

MICHIGAN

Partly Revoking Executive Orders of Withdrawal for Lighthouse Purposes (Agate Harbor)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive orders of April 3, 1847 and December 9, 1852, so far as they withdrew the following described lands for lighthouse purposes, are hereby revoked:

MICHIGAN MERIDIAN

T. 59 N., R. 29 W.,
Sec. 30, lot 3.
T. 59 N., R. 30 W.,
Sec. 25, SE¼SE¼,
Sec. 36, NE¼NE¼.

The areas described contain approximately 11.5 acres.

2. The lands are about seven miles west of Copper Harbor, Michigan, and front on Lake Superior.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections and locations under the public land laws in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on December 22, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

4. The State of Michigan has waived its preference right of application to select the lands under the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Washington 25, D.C.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 16, 1959.

[F.R. Doc. 59-9875; Filed, Nov. 20, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

[CGFR 59-46]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Miscellaneous Amendments

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practicable. The provisions in 46 CFR 146.02–18 and 146.02–19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Orders Nos. 39 and 40 has made changes in the ICC regulations with respect to the definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities.

Since the amendments in this document are revised requirements to agree with existing ICC Regulations or are editorial in nature it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), and CGFR 56–28, dated July 24, 1956 (21 F.R. 5459), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on date of publication in the FEDERAL REGISTER:

Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Chapter

§ 146.04–5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required [1]
Items Added		
* * *	* * *	* * *
Denatured alcohol (see: Alcohol, N.O.S.).	Inf. L.	Red.
* * *	* * *	* * *
Igniter fuse-metal clad (see: (Igniters).	Expl. O.	
* * *	* * *	* * *
*Propyl alcohol (see: Alcohol, N.O.S.).	Comb. L.	
*Do	Inf. L.	Red.
* * *	* * *	* * *
*Tertiary alcohol (see: Alcohol, N.O.S.).	Comb. L.	
*Do	Inf. L.	Red.
* * *	* * *	* * *
Wood alcohol (methanol, methyl alcohol) (see: Alcohol, N.O.S.).	Inf. L.	Red.
* * *	* * *	* * *
Items Changed		
* * *	* * *	* * *
Alcohol, amyl (see: Alcohol, N.O.S.).	Comb. L.	
* * *	* * *	* * *
*Alcohol, N.O.S.	Comb. L.	
*Do	Inf. L.	Red.
* * *	* * *	* * *
*Amyl acetate (see: Allyl bromide).	Comb. L.	
*Do	Inf. L.	Red.
* * *	* * *	* * *
Amyl chloride (see: Allyl bromide).	Inf. L.	Red.
* * *	* * *	* * *
*Butyl alcohol (see: Alcohol, N.O.S.).	Comb. L.	
*Do	Inf. L.	Red.
* * *	* * *	* * *
Ethyl alcohol (see: Alcohol, N.O.S.).	Inf. L.	Red.
* * *	* * *	* * *
*Isopropanol (see: Alcohol, N.O.S.).	Comb. L.	
*Do	Inf. L.	Red.
* * *	* * *	* * *
Methanol (methyl alcohol) (see: Alcohol, N.O.S.).	Inf. L.	Red.
* * *	* * *	* * *
Methyl alcohol (methanol) (see: Alcohol, N.O.S.).	Inf. L.	Red.
* * *	* * *	* * *
*Petroleum coke	Haz.	
* * *	* * *	* * *
*Rum, denatured (see: Alcohol, N.O.S.).	Comb. L.	
*Do	Inf. L.	Red.
* * *	* * *	* * *
Vinyl chloride	Inf. G.	Red gas.
* * *	* * *	* * *
Items Canceled		
* * *	* * *	* * *
*Alcohol, butyl, (see: Alcohol or alcohol, N.O.S.).	Comb. L.	
*Alcohol, butyl	Inf. L.	Red.
Alcohol, denatured	do	Do.
Alcohol, ethyl	do	Do.
*Alcohol, propyl (see: Alcohol or alcohol, N.O.S.).	Comb. L.	
*Alcohol, propyl	Inf. L.	Do.
*Alcohol, tertiary (see: Alcohol or alcohol, N.O.S.).	Comb. L.	
*Alcohol, tertiary	Inf. L.	Do.
Alcohol, wood (methanol, methyl alcohol).	do	Do.
* * *	* * *	* * *

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Subpart—Shippers' Requirements Re: Packing, Marking, Labeling and Shipping Papers

Section 146.05–17 is amended by revising paragraphs (q) and (r) to read as follows:

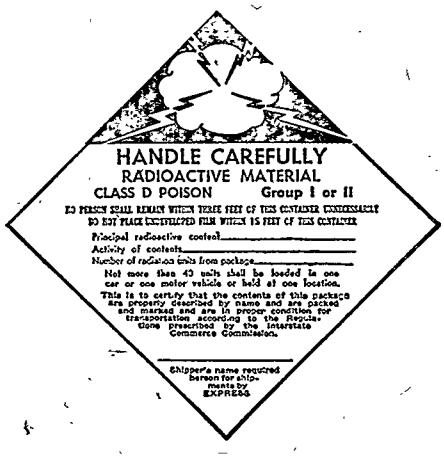
§ 146.05–17 Labels.

* * * * *

(q) Radioactive materials, Group I or II.

(Reduced size)

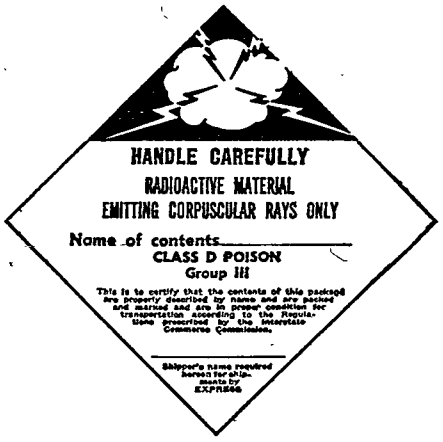
(Red printing on white)



(r) Radioactive materials, Group III.

(Reduced size)

(Blue printing on white)



Subpart—Barges

Section 146.10–4 is amended by making an editorial change in section references in paragraph (d) as follows:

§ 146.10–4 Carfloats and barges used as carfloats.

* * * * *

(d) Transfer of explosives from vehicles on board carfloats and barges used as carfloats to vessels shall be governed by the permit requirements of §§ 146.20–55 and 146.20–87.

Subpart—Detailed Regulations Governing Explosives

1. Section 146.20–7 *Class A explosives* is amended by changing subparagraph (h) (2), paragraph (n); and paragraph (u) to read as follows:

§ 146.20–7 Class A explosives.

* * * * *

(h) * * *

(2) A shaped charge, commercial, consists of a plastic, paper, or other suitable container comprising a charge of not to exceed 8 ounces of a high explosive containing no liquid explosive ingredient and with a hollowed-out portion (cavity) lined with a rigid material. Detonators or other initiating elements shall not be assembled in the device.

* * * * *

(n) *Explosive mines.* Explosive mines are metal or composition containers filled with a high explosive.

* * * * *

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges installed in the steel tube or metallic strip shall contain not over 4 ounces of high explosive. These devices are not permitted to be shipped as cargo on board any vessel subject to the regulations in this subchapter.

2. Section 146.20–11 *Class C explosives* is amended by adding a new paragraph (cc) to read as follows:

§ 146.20–11 Class C explosives.

* * * * *

(cc) Igniter fuse-metal clad consists of a base lead tube with a core of high explosive composition in quantity not exceeding 20 grains per foot.

§ 146.20–100 [Amendment]

3. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended by changing the item, "High explosives (*containing no liquid explosive ingredient nor any chlorate*)" as follows:

In column 4 insert:

Amatol may also be shipped in: Fiber drums (ICC–21A, 21B) WIC, not over 200 lbs. net wt.

§ 146.20–300 [Amendment]

4. Section 146.20–300 *Table C—Classification: Class C; relatively safe explosives* is amended by revising various items as follows:

(a) Amend "Fuzes" as follows:

In columns 4, 5, 6, and 7 under "For detonating fuzes, class C, etc." add:

Fiberboard boxes (ICC–12H) WIC, not over 65 lbs. gr. wt.

(b) Amend "*Igniters*" as follows:

In column 1, after "Igniters" insert:

Igniter fuse-metal clad.

In column 2 (opposite "Igniter fuse-metal clad"), insert:

Igniter fuse-metal clad consists of a base lead tube with a core of high explosive composition in quantity not exceeding 20 grains per foot.

In column 2, amend the last paragraph to read as follows:

Each outside container must be plainly marked with the appropriate descriptive name of the contents.

Subpart—Detailed Regulations Governing Inflammable Liquids

§ 146.21–100 [Amendment]

1. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended by revising various items as follows:

a. Amend "alcohol or alcohol, N.O.S., etc." as follows:

In column 1, delete the present wording and insert the following:

Alcohol, N.O.S. (When possessing a flashpoint at or below 80° F.).
Butyl alcohol.
Denatured alcohol.
Ethyl alcohol.
Propyl alcohol.
Tertiary alcohol.
Wood alcohol (methanol, methyl alcohol).
Cologne spirits (alcohol).
Columbian spirits (alcohol).
Extracts, liquid flavoring.
Isopropanol.
Rum, denatured.

b. Amend "acrolein, inhibited" as follows:

In column 4, under "Outside containers" add:

Metal drums (ICC–17C) not over 55-gal. cap.

Subpart—Detailed Regulations Governing Cargo Liquids

§ 146.23–100 [Amendment]

1. Section 146.23–100 *Table F—Classifications: Corrosive liquids* is amended by changing various items as follows:

a. Amend "Alkaline battery fluid etc." and "sodium aluminate, liquid" as follows:

In columns 4, 5, 6, and 7 after "outside containers: Fiberboard boxes etc." insert:

Mailing tubes (ICC–29) WIC of polyethylene, not over one quart cap. each.

b. Amend "Hydrochloric (muriatic) acid etc." and "sodium chlorite solution" as follows:

(i) In columns 4, 5, 6, and 7 under "outside containers" change "Fiberboard boxes (ICC–12A, 12B) etc." to read:

Fiberboard boxes (ICC–12A, 12B, 12C) WIC, not over 65 lbs. gr. wt.

(ii) In columns 4, 5, 6, and 7 after "authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15 percent hydrochloric acid; metal barrels or drums etc." insert the following:

Authorized only for hydrochloric acid not over 30 percent strength:
Fiber drums (ICC–21B) WIC polyethylene (ICC–2T) not over 150 lbs. gr. wt.

c. Amend "Sulfuric acid (oil of vitriol) etc." as follows:

In columns 4, 6, and 7 under "For sulfuric acid of concentration not to exceed 95 percent * * *: Steel barrels or drums (ICC 5B, 6J, 37A) etc." insert:

Metal drums (ICC–37A) STC, WIC polyethylene (ICC–2T), not over 55-gal. cap.
Fiber drums (ICC–21B) WIC polyethylene (ICC–2T) not over 150 lbs. gr. wt.

Subpart—Detailed Regulations Governing Compressed Gases

§ 146.24–100 [Amendment]

1. Section 146.24–100 *Table G—Classification: Compressed gases* is amended by changing various items as follows:

(a) Amend "Vinyl chloride, inhibited" as follows:

In column 1, change the entry to read:

Vinyl chloride.

In column 2, delete paragraph 4, reading "Susceptible to dangerous polymerization if not inhibited."

Subpart—Detailed Regulations Governing Poisonous Articles

1. Section 146.25–55 is amended by revising subparagraph (a) (1) to read as follows:

§ 146.25–55 Exemptions for poisons, Class B.

(a) * * *

(1) In glass or earthenware containers not over 1 quart capacity each or in metal containers or polyethylene bottles not over 1 gallon capacity each, packed in strong outside wooden boxes or barrels.

§ 146.25–200 [Amendment]

2. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended by revising various items as follows:

a. Amend the following items as indicated:

1. Acetone cyanhydrin.
2. Alcohol, allyl.
3. Arsenic chloride (arsenous) liquid, etc.

4. Arsenical compounds or mixtures N.O.S., liquid, etc.
5. Compounds, tree or weed killing, liquid.
6. Dinitrobenzol, liquid.
7. Drugs, chemicals, medicines or cosmetics N.O.S. (liquid).
8. Insecticide, liquid.
9. Mercuric iodide, solution.
10. Nicotine hydrochloride, etc.
11. Nitrobenzol, liquid (oil of mirbane), etc.
12. Poisonous liquids, N.O.S.
13. Sodium arsenite (solution) liquid.

(i) In columns 4, 5, 6, and 7 where applicable change "Fiberboard boxes (ICC–12B) WIC etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lbs. gr. wt.

(ii) In columns 4, 5, 6, and 7, when permitted insert after "Fiberboard boxes (ICC–12A, 12B) WIC" etc.:

Mailing tubes (ICC–29) WIC polyethylene, not over 2 quarts cap. each.

Subpart—Detailed Regulations Governing Combustible Liquids

§ 146.26–100 [Amendment]

1. Section 146.26–100 *Table J—Classification: Combustible liquids* is amended by changing "alcohol or alcohol, N.O.S." as follows:

In column 1, change the wording to read as follows:

Alcohol, N.O.S. (When possessing a flashpoint at or below 150° F. and above 80° F.).
Alcohol, amyl.
Butyl alcohol.
Propyl alcohol.
Tertiary alcohol.
Isopropanol.
Rum, denatured.

Subpart—Detailed Regulations Governing the Transportation of Military Explosives on Board Vessels

§ 146.29–100 [Amendment]

1. Section 146.29–100 *Classification, handling and stowage chart* is amended to correct an editorial error as follows:

Amend "Class X–A" by changing paragraph 5 under the column headed "Stowage" to read as follows:

Class X–A items shall not be stowed in the same hold or compartment with permitted military explosives other than this class or Class X–B unless the two are separated by a partition bulkhead or a type "A" dunnage floor.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SHIPS' STORES AND SUPPLIES OF A DANGEROUS NATURE

§ 147.05–100 [Amendment]

Section 147.05–100 *Table S—Classifications: Ships' stores and supplies of a dangerous nature* is amended by changing the item, "Liquefied or non-liquefied petroleum gas" as follows:

In column 1, change the entry to read as follows:

Liquefied or non-liquefied petroleum gas (except that which is used as "fuel for heating, cooking, lighting").

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: November 12, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59–9791; Filed, Nov. 20, 1959; 8:45 a.m.]

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59–51]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

ARIZONA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on November 4, 1959, approved the Arizona system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Arizona system shall be operative on and after Monday, November 16, 1959. On that date the authority to number motorboats principally used in the State of Arizona will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Arizona. On and after November 16, 1959, all reports of "boating accidents" which involve motorboats numbered in Arizona will be required to be reported to the nearest or most convenient law enforcement agency or office pursuant to the pertinent provisions of the laws of the State of Arizona, specifically Chapter 100, Substitute House Bill No. 151, Twenty-third Legislature, Second Regular Session, and Chapter 143, House Bill No. 263, Twenty-fourth Legislature, First Regular Session.

Because § 172.25–15(a)(11), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15(a)(11) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) * * *

(11) Arizona—November 16, 1959.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: November 16, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59–9888; Filed, Nov. 20, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 14, 16]

PROCEDURES UNDER ANTIDUMPING ACT, 1921, AS AMENDED

Extension of Time for Filing Comments

A notice of proposed rule making setting forth certain proposed amendments to regulations under the Antidumping Act, 1921, as amended (19 U.S.C. 160–173), was published in the FEDERAL REGISTER for Saturday, October 10, 1959 (24 F.R. 8265). Comments were invited to be submitted within 30 days after publication.

Interested parties have requested additional time within which to submit comments. Accordingly, consideration will be given to any data, views, or arguments pertaining to the proposed amendments to the regulations which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D.C., not later than December 31, 1959.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 16, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59–9890; Filed, Nov. 20, 1959; 8:48 a.m.]

Coast Guard

[46 CFR Parts 35, 78, 97, 146, 162]

[CGFR 59-50]

POWER-OPERATED INDUSTRIAL TRUCKS

Written Comments on Proposed Regulations

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2746-2748), and Merchant Marine Council Public Hearing Agenda CG-249 dated April 27, 1959, the Merchant Marine Council held a Public Hearing on April 27, 1959, for the purpose of receiving comments, views, and data. The proposed regulations to govern the use of power-operated industrial trucks were set forth in detail as Item VIII of that Agenda, as well as in the previously mentioned FEDERAL REGISTER of April 9, 1959.

A further notice of proposed rule making was published in the FEDERAL REGISTER on May 20, 1959 (24 F.R. 4057), stating that on the basis of the comments already received and those written comments which will be received prior to October 27, 1959, the proposed regulations will be revised. These revised proposed regulations then would be included in the Merchant Marine Council Public Hearing Agenda for the next annual session scheduled for the spring of 1960. On the basis of the numerous comments already received and the evidence of studies and surveys underway and pending, it is apparent that additional time should be allowed for submitting written comments on these proposed regulations. Therefore, an extension until May 1, 1960, for the submission of written comments is granted with respect to Item VIII, the proposed regulations regarding power-operated industrial trucks.

All views and comments should be sent to the Commandant (CMC), United States Coast Guard, Washington 25, D.C. In order to insure consideration of comments and to facilitate checking and recording, it is preferred that each comment regarding a section or paragraph of the proposed regulations be submitted on Coast Guard Form CG-3287, copies of which were attached to the Agenda and may be reproduced, or copies may be obtained upon request from the Commandant (CMC). However, all comments should show the section or paragraph number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter.

Dated: November 16, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59-9889; Filed, Nov. 20, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 259]

DISPOSAL OF TIMBER AND MINERAL RESOURCES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of July 31, 1947 (61 Stat. 681) (30 U.S.C. 601-604) as amended, it is proposed to revoke the present §§ 259.1-259.27 and substitute therefor the §§ 259.1-259.64 set forth below. The purpose of the substitution is to provide for the sale and free use of timber and mineral materials from public lands in accordance with the authority specified in the amendments to the Act of July 31, 1947, referred to above.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 17, 1959.

Sec.

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FREE USE

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FREE USE

259.57 Application for permit.
259.58 Issuance and cancellation of free-use permit; removal of materials; bond.
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259.61 Removal by agent.
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259.63 Permits to Government units.
259.64 Permits to non-profit organizations.

Subpart C—General

259.71 Trespass; penalty for unauthorized removal of materials.
259.72 Appeals.

§ 259.1 Statutory authority.

(a) The act of July 31, 1947 (61 Stat. 681), as amended by the act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 et seq.) authorizes the disposal of timber on public lands of the United States, if the disposal of such timber (1) is not otherwise expressly authorized by law including, but not limited to, the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, and the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. The act authorizes the United States, its permittees, and licensees to use so much of the surface of any unpatented mining claim located under the mining laws of the United States after July 23, 1955 as may be necessary for access to adjacent land for the purposes of such permittee or licensee. Such use of the surface shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto.

(b) The act of July 23, 1955, supra, authorizes the disposal of mineral materials, including, but not limited to, the common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay on public lands of the United States, including, for the purpose of this act, land described in the acts of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a), and June 24, 1954 (68 Stat. 270); if the disposal of such materials (1) is not otherwise expressly authorized by law, including, but not limited to, the act of June 28, 1934, supra, as amended, and the United States mining laws, and (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. The act of April 15, 1954 (68 Stat. 53) provides that for

the purpose of aiding in the development of building materials essential to the growth of Alaska, the Secretary of the Interior is authorized, in his discretion, for a period of fifteen years from the date of approval of that act and pursuant to the provision of the act of July 31, 1947, supra, to permit the removal of deposits of siliceous volcanic ash, commonly known as pumicite, from such area as he may designate along the shores of Shelikof Strait in Katmai National Monument, Alaska.[1]

(c) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, County, municipality, water district or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this part only with the consent of such other Federal department or agency or of such State, or local governmental unit. The act of July 23, 1955, supra, provides, however, that the Secretary of Agriculture shall dispose of materials under the act of July 31, 1947, as amended, supra, if such materials are on lands administered by the Secretary of Agriculture for national forest purposes or for purposes of title III of the Bankhead-Jones Farm Tenant Act or where withdrawn for the purpose of any other function of the Department of Agriculture.

(d) The provisions of the act of July 23, 1955, supra, in disposal of vegetative or mineral materials do not apply to lands in any national park, or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive Order for the use of Indians.

(e) The act of July 23, 1955, supra, authorizes the Secretary of the Interior in his discretion to permit free use of timber or mineral materials by any Federal or State governmental agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit for use other than for commercial or industrial purposes or resale.

(f) The act of July 23, 1955, supra, also provides in part, under certain circumstances, for a mining claimant to obtain free-use of timber from other Bureau administered land in lieu of timber disposed of by the Bureau from lands covered by his mining locations. See § 259.29.

§ 259.2 Definitions.

Except as the context may otherwise indicate, as the terms are used herein and in contracts hereunder:

(a) "Bureau" means Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Authorized Officer" means the Government official who has been duly authorized to sign a contract for the sale of forest products and mineral materials from public lands or to supervise operations and take action under such contract.

(d) "Timber" means standing trees, downed trees, logs or forest products of any type.

(e) "Mineral Materials", as defined in section 1 of the act of July 23, 1955, include, but are not limited to "common varieties" of sand, stone, gravel, pumice, pumicite, cinders, clay and other similar materials.

(f) The word "act" when used in this part refers to the act of July 31, 1947, as amended by the act of July 23, 1955 (69 Stat. 367; 30 U.S.C., sec. 601, et seq.).

(g) "Set-aside" means a designation of timber for a sale which is limited to bidding by small business concerns as defined by the Small Business Administration in its regulations (13 CFR Part 121) under authority of section 15 of the Small Business Act of July 18, 1958 (72 Stat. 384).

Subpart A—Disposal of Timber

Sales

§ 259.3 Timber sales which must be made under other statutes; rights under other statutes.

(a) The sale of timber will be made under other acts where there is any such statutory authority.

(1) Dead or down timber, or timber which has been seriously or permanently damaged by forest fires, shall not be sold under the act but rather under the act of March 4, 1913 (37 Stat. 1015; 16 U.S.C. 614, 615), as amended, and the regulations thereunder (Part 284 of this chapter). However, where such dead, down, or damaged timber is intermingled with timber which is live, standing, and of merchantable size and character, and it is not feasible to sell the two classes of timber separately, consideration will be given to the sale of both classes in a single transaction under the act and the regulations in this part.

(2) The sale of timber in Alaska where statutory authority under other acts exists, will be made under such statutes and the applicable regulations (Part 79 of this chapter); however, sales of more than a two-year supply of timber for domestic use in Alaska may be authorized under the act.

(3) Timber on the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands will be sold under the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a) (see Part 115 of this chapter).

(4) The limitations on free-use timber privileges under the act are set out in §§ 259.20, 259.27, 259.28, and 259.29.

(b) (1) Timber sales may not be made under the act from public lands on which there are valid, existing claims to the land, by reason of settlement, entry, or similar rights obtained under the public land laws, except as provided under subparagraph (2) of this paragraph; (2) timber sales may be made on unpatented mining claims which were located after July 23, 1955, or if the Government's right to manage the surface resources under the act has been established pursuant to Part 185 of this chapter or the claim has been declared invalid under the proceedings set forth in Part 221 of this chapter or other proceedings; (3) if the sale of timber is consistent with such interest in the land, as in the case of lawful grazing or mining use, the timber may be sold under the act under such conditions as the authorized officer, in his discretion, may specify.

§ 259.4 Statement of timber disposal policy.

(a) In the sale of timber it shall be the policy of the Department to (1) dispose of timber in such a manner and in conformance with sound timber management principles as to obtain maximum permanent benefits and in addition, dispose of forest products under the principles of sustained-yield management; (2) provide in contracts and permits for all necessary and reasonable protection, restoration, and rehabilitation of the surface resources, including but not limited to such actions as revegetation, reforestation, erosion control during and after operations, protection from fire, insect, disease, wind and other injury.

(b) No timber sale shall be made under this part where the authorized officer determines that the aggregate damages to public lands and resources will exceed the benefits derived from such sale.

(c) Timber may be sold upon the request of any interested party or upon the authorized officer's own initiative.

§ 259.5 Advertising.

(a) Advertisements of timber appraised at more than $1,000 shall be published on the same day weekly for four consecutive weeks in a newspaper of general circulation within the area in which the material is located, and a notice of the sale shall be posted in a conspicuous place in the office where bids are to be submitted.

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which the timber is being offered, the species, estimated quantities, the unit of measurement, appraised prices, time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, which tracts of timber, if any, have been designated as set-asides, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

(c) Advertisement of timber appraised at $1,000 or less may be published or posted at the discretion of the authorized officer.

§ 259.6 Sales, appraisal, and measurements.

(a) No timber, other than that designated in the contract, shall be severed

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[1] Pursuant to the act of April 15, 1954, supra, and for a period of 15 years from the date thereof, unless sooner revoked, the following described area is designated for the removal of deposits named in the act:

Those lands within ¼ mile of mean high tide in Geographic Harbor at latitude 58°08' N., longitude 154°36' W., the harbor lying within Amalik Bay on Shelikof Strait, Katmai National Monument, Alaska.

Appropriate conditions for the protection of the monument will be included in the contracts.

or extracted unless it has been marked or otherwise designated in advance and written permission given by the authorized officer and payment made therefor; however, where necessary to protect life or property, the authorized officer may grant oral authority to cut danger trees. He may permit removal of such danger trees after payment is received therefor.

(b) All timber to be sold shall be appraised and in no case shall be sold at less than the appraised value.

(c) Timber to be sold shall be measured by tree cruise, log scale, weight, or such other form of measurement as the authorized officer determines to be in the public interest.

§ 259.7 Competitive sales.

All sales, other than those specified in § 259.8 shall be made only after inviting competitive bids through publication and posting. Sales shall not be held sooner than 1 week after the last advertisement. No competitive sales shall be offered by the authorized officer unless there is access to the sale area to anyone who is qualified to bid.

§ 259.8 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell without advertising or calling for bids, timber not exceeding $1,000 in appraised value: *Provided,* That not more than two such sales may be made to or for the benefit of any one person, partnership, association, or corporation in any period of 12 consecutive months.

(b) When it is determined by the authorized officer to be in the public interest or to be necessary for the normal conduct of logging, he may sell additional timber within or near the contract area to the holder of a timber sale contract, during the term thereof, without advertising or calling for bids, providing the appraised value of the additional timber does not exceed $1,000. Such sale for additional timber shall be made at not less than the appraised price at the time of the additional sale.

§ 259.9 Qualifications of bidders and purchasers.

A bidder or purchaser for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 259.10. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self-certification statement that he is qualified as a small-business concern as defined by the Small Business Administration (13 CFR Part 121).

§ 259.10 Deposits with bids.

Sealed bids must be accompanied by a deposit of not less than 10 percent of the appraised value of the timber. For timber offered at oral auction, bidders must make a deposit of not less than 10 percent of the appraised value prior to the opening of the bidding. The authorized officer, may, in his discretion, require larger deposits. Deposits may be in the form of cash, money orders, bank drafts, cashier's or certified checks made payable to the Bureau of Land Management, or bid bonds of a corporate surety shown on the approved list of the United States Treasury Department. Upon conclusion of the bidding the bid deposits of all bidders, except the high bidder, shall be returned. Except for corporate surety bid bonds, the deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer.

§ 259.11 Conduct of sales.

(a) Bidding at competitive sales shall be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder shall be determined by oral auction among the high bidders. If no oral bid is made which is higher than the sealed bids, the highest bidder shall then be determined by lot. Except for the first bid, no oral bid will be considered or recorded which is not higher than the highest preceding bid. In oral auction sales the high bidder must confirm his bid in writing immediately upon being declared the high bidder.

(b) At the request of the authorized officer, or the officer conducting the sale, bidders must furnish evidence of qualification in conformance with § 259.9 or if such evidence has already been furnished, make appropriate reference to the record containing it.

(c) Only bids of small business concerns which have filed a self certification statement as required by § 259.9, may be considered for timber sales subject to set-asides. When no such bids are received, the timber may be sold under paragraph (e) of this section in the same manner as timber not previously made subject to a set-aside. When timber subject to a set-aside is not sold for any other reason, the sale may be rescheduled for a set-aside.

(d) When it is in the interest of the Government to do so the authorized officer may reject any or all bids and may waive minor deficiencies in the bids or the timber sale advertisement.

(e) If no bid is received within the time specified in the advertisement of sale, and if the authorized officer determines that there has been no significant rise in the market value of the timber, he may in his discretion, keep the sale open for not to exceed 90 days by posting notice thereof in a conspicuous place in the office where bids are to be submitted. If during such period a written bid is submitted together with the required deposit, for not less than the advertised appraised value, a notice of such bid shall be posted immediately after receipt of the bid for seven successive days in the same office and in the same manner. If no other written bid is received during the seven day posting period, the sole bidder shall be deemed the high bidder. If, however, during such seven day posting period other written bids are received, an oral auction shall be conducted in the usual manner among those who have submitted written bids. The authorized officer shall notify those who have submitted written bids of the time and place of the oral auction. The high written bid shall be considered the initial bid in such oral auction. If there is a tie in the high written bids that are submitted during the seven day posting period and if no higher bid is offered during the oral auction, the party who first submitted the high bid shall be deemed the high bidder.

§ 259.12 Award of contract.

(a) The authorized officer may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. The contract shall be awarded to the high bidder, unless he is not qualified or responsible or unless all bids are rejected. If the high bidder is not qualified or responsible or fails to sign and return the contract together with the required performance bond, the contract may be offered and awarded for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

(b) Within 30 days after receipt of the contract the successful bidder shall sign and return the contract, together with any required performance bond; *Provided,* That the authorized officer may, in his discretion, extend such period an additional 30 days if the extension is applied for in writing and granted in writing within the 30-day period. If the successful bidder fails to comply within the stipulated time, his bid deposit shall be forfeited as liquidated damages.

§ 259.13 Contract forms.

All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and protection of improvements, watersheds and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

§ 259.14 Performance bonds.

(a) A performance bond of not less than 20 percent of the total contract price will be required for contracts of $2,000 or more. When the total contract price is less than $2,000, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) Where the timber sale contract has required a bond in connection with construction of a road, the authorized officer may, upon satisfactory completion of the road construction, reduce the amount of the total performance bond by the amount of all or a portion of the estimated road construction costs: *Provided, however,* That the total amount of the performance bond shall, in no event, be reduced below 20 percent of the total contract price.

§ 259.15 Payments.

(a) No part of any timber sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under $2,000 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $2,000 or more the authorized officer may allow payment by installments as provided below.

(1) Installment payments shall be determined by the authorized officer but in no case shall be less than 10 percent of the total purchase price. For cruise sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of cutting operations. Remaining installments shall be due and payable without notice whenever the value of the timber cut shall equal the sum of the second and subsequent installments paid by the purchaser. The total amount of the purchase price must be paid prior to 60 days before the expiration date of the contract. The purchaser shall not be entitled to a refund on a cruise sale even though the amount of timber cut, removed or designated for cutting may be less than the estimated total volume shown in the contract.

(2) For scale sales installment payments shall be made in the same manner as in subparagraph (1) of this paragraph, except that if it is determined after all designated timber has been cut that the total payments made under the contract exceed the total value of the timber measured, such excess shall be returned to the purchaser within 60 days after such determination is made.

§ 259.16 Time for cutting.

Time for cutting timber sold shall not exceed a period of two years except that such time for cutting may be extended as provided in § 259.17.

§ 259.17 Extension of time.

If the purchaser shows that his delay in cutting was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than 30 days prior to the expiration date of the time for cutting but not earlier than 90 days prior thereto. Additional extensions may be granted if the purchaser submits the same type of written request not later than 30 days prior to the expiration date of an extension but not earlier than 90 days prior thereto. No extension may be granted without reappraisal as provided in § 259.18.

§ 259.18 Reappraisals.

If an extension is granted as provided in § 259.17 each species of timber remaining on the contract area, title to which has not passed to the purchaser, shall be reappraised by the authorized officer. Such reappraised prices shall become the new unit prices for the purpose of computing the reappraised total purchase price except that the new unit prices shall not be less than the unit prices that were in effect during the original time for cutting or previous extension.

§ 259.19 Assignments.

(a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State in which the timber is located; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by § 259.14 or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

FREE USE

§ 259.20 Free use of timber under other statutes.

Free use of timber will be allowed under the following circumstances:

(a) In certain States by settlers on public lands, citizens and bona fide residents of the State, and corporations doing business in the State (Part 284 of this chapter), and

(b) In Alaska by actual settlers, residents, individual miners, prospectors for minerals, churches, hospitals and charitable institutions (Part 79 of this chapter).

(c) Free-use of timber by Governmental units, nonprofit organizations, and certain mining claimants may be authorized under the act and these regulations only when such applicants cannot qualify under the provisions of Parts 284 and 79 of this chapter.

§ 259.21 Application for permit.

An application for permit in duplicate, must be made on a form approved by the Director and filed in any office or with any employee of the Bureau of Land Management authorized to issue a permit. A free-use permit may be applied for without formal application for the removal of not more than three Christmas trees upon oral or written request.

§ 259.22 Issuance and cancellation of free-use permits; bond.

(a) A free-use permit, on a form approved by the Director, shall incorporate the provisions, if any, governing the selection, removal, and use of timber. Free-use permits shall not be issued when the applicant owns or controls an adequate supply of the material to meet his needs. Timber applied for must be for the applicant's own use and may not be bartered or sold. No timber may be cut or removed until the permit is issued.

(b) The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions or the regulations, or if the permit has been issued erroneously.

(c) A bond satisfactory to the authorized officer may be required as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

(d) A free-use permit issued under this part may not be assigned.

§ 259.23 Conservation practices.

All free-use timber disposed of under the act shall be severed, or removed in accordance with sound forestry and conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed and other values of the land and resources. In the free-use disposal of timber, cutting and removal shall be accomplished in such a manner as to leave the stand in condition for continuous production.

§ 259.24 Duration, extension, and termination of permit.

(a) Permits shall be granted for periods not to exceed 6 months and shall terminate on the expiration dates shown therein unless extended by the authorized officer. An extension not to exceed 3 months may be granted by the authorized officer. The permittee must notify the officer-in-charge upon completion of removal.

(b) Permits issued for the benefit of a mining claimant under authority of the act shall terminate upon transfer of the ownership of the claim by any means. Reapplication must be made by the new claimants.

§ 259.25 Removal by agent.

A free-use permittee may procure the timber by agent. Such agent shall not, however, be paid more than fair compensation for the time, labor and money expended in procuring timber and processing it, and no charge shall be made by such agent for the timber itself. No part of the timber may be used in payment for services in obtaining it or processing it.

§ 259.26 Removal of improvements.

Upon expiration of the permit period the permittee will be given 90 days to remove equipment, personal property and any improvements he has placed on the land, except roads, culverts and bridges are to be left in place, in good condition and will become the property of the United States upon expiration of the 90-day removal period.

§ 259.27 Permits to governmental units.

A free-use permit may be issued to a Federal or State agency, unit, or subdivision, including a municipality, only if the applicant makes a satisfactory showing to the authorized officer that such timber will be used for a public project. The right to remove timber under the permit is not revoked or terminated by (a) any subsequent claim or entry of the lands, (b) by any mining claim located prior to the issuance of the permit if such location was subsequent to July 23, 1955, nor (c) by any other mining claim as to which the Government's right to manage the surface resources has been established in accordance with Part 185 of this chapter, or other proceedings.

§ 259.28 Permits to non-profit organizations.

A free-use permit issued to a non-profit association or corporation may not provide for the disposition of more than $100 worth of timber to the permittee during any one calendar year. Such permittee is granted a right to remove timber as against a subsequent applicant who may wish to obtain the same timber by purchase. The timber may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, or similar rights obtained under the public land laws.

§ 259.29 Permits to mining claimants.

(a) Free-use timber shall be granted under paragraph (f) of § 259.1 to the record owner of a valid mining claim if such claim was located subsequent to July 23, 1955, or if the Government's right to manage the surface resources has been established in accordance with Part 185 of this chapter, and he requires more timber than is available to him for prospecting, mining, or processing operations on his claim or claims after disposition of timber from his claim by the United States. The claimant shall be entitled to the free-use of timber for such requirements from the nearest timber administered by the Bureau which is substantially equal in kind and quantity to the timber estimated by the authorized officer at the time of application to have been disposed of by the Bureau from the claim. Upon issuance of a patent to the mining claims, the free-use privilege will automatically terminate.

(b) The application required to be filed for free-use timber under this section must contain a statement that the timber applied for will be used for bona fide prospecting, mining, or prospecting operations on the claim or group of claims designated in the application. The applicant must also include a statement that he is the record owner of a valid mining claim or claims from which the timber was originally removed by the Government.[1]

[1] 18 U.S.C. 1001 makes it a crime for any person, knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Subpart B—Disposal of Mineral Materials

Sales

§ 259.41 Mineral materials disposal policy; limitations.

(a) Mineral material disposals may not be made under the act from public lands on which: (1) There are valid, existing claims to the land by reason of settlement, entry, or similar rights obtained under the public land laws; (2) there are any unpatented mining claims located either before or after July 23, 1955, which have not been cancelled by appropriate legal proceedings; (3) there are valid unpatented mining claims located on or after July 23, 1955, for valuable minerals that are not a "common variety", occurring in, or associated with "common variety" minerals.

(b) No sale of material shall be made under this part where the authorized officer determines that the aggregate damages to public lands and resources will exceed the benefits derived from such disposal. Sound conservation practices shall be exercised by all permittees or purchasers in the removal of materials under the provisions granted by this part.

(c) Mineral materials may be sold upon the request of any interested party or upon the authorized officer's own initiative.

§ 259.42 Advertising.

(a) Advertisements of material appraised at more than $1,000 shall be published on the same day weekly for four consecutive weeks in a newspaper of general circulation within the area in which the material is located, and a notice of the sale shall be posted in a conspicuous place in the office where bids are to be submitted.

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which the material is being offered, the kind of material, estimated quantities, the unit of measurement, appraised prices, time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

(c) Advertisement of materials appraised at $1,000 or less may be published or posted at the discretion of the authorized officer.

§ 259.43 Sales, appraisals, and measurements.

(a) No materials, other than that designated in the contract or permit, shall be extracted unless designated in advance and written permission given by the authorized officer and payment made therefor.

(b) All materials to be sold shall be appraised and in no case shall it be sold at less than the appraised value.

(c) Such mineral material shall be measured by volume, weight, or truck tally, or combination of these methods, or such other form of measurement as the authorized officer determines to be in the public interest.

§ 259.44 Competitive sales.

All sales, other than those specified in § 259.45 shall be made after inviting competitive bids through publication and posting in conformance with § 259.42. Sales shall not be held sooner than one week after the last advertisement. No competitive sales shall be offered by the authorized officer unless there is access to the sale area which is available to anyone who is qualified to bid.

§ 259.45 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, mineral materials not exceeding $1,000 in appraised value; provided, that the total aggregate sales made to or for the benefit of any one person, partnership, association, or corporation in any period of twelve consecutive months may not exceed $1,000.

(b) Non-exclusive disposals may be made under this paragraph from the same deposit within areas designated by the State Supervisor for this purpose. These pit sites are not to exceed 40 acres in size, except they may be enlarged as the initial 40-acre site is depleted. Such permits issued for sale or removal of material from established community pit sites will constitute a superior right to remove the material as against any subsequent claim or entry of the lands.

§ 259.46 Qualification of bidders and purchasers.

A bidder or purchaser for the sale of mineral materials must be (a) an individual who is a citizen of the United States; (b) a partnership; (c) an unincorporated association composed wholly of such citizens; or (d) a corporation authorized to transact business in the States in which the mineral material is located. A bidder must also have submitted a deposit in advance of the sale as required by § 259.47.

§ 259.47 Deposits with bids.

Sealed bids must be accompanied by a deposit of not less than 10 percent of the appraised value of the mineral materials. For mineral materials offered at oral auction, bidders must make a deposit of not less than 10 percent of the appraised value prior to the opening of the bidding. The authorized officer may, in his discretion, require larger deposits. Deposits may be in the form of cash, money orders, bank drafts, cashier's or certified checks made payable to the Bureau of Land Management, or bid bonds of a corporate surety shown on the approved list of the United States Treasury Department. Upon conclusion of the bidding the bid deposits of all bidders, except the high bidder, shall be returned. Except for corporate surety bid bonds, the deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer.

§ 259.48 Conduct of sales.

(a) Bidding at competitive sales shall be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder shall be determined by oral auction among the high bidders. If no oral bid is made which is higher than the sealed bids, the highest bidder shall then be determined by lot. Except for the first bid, no oral bid will be considered or recorded which is not higher than the highest preceding bid. In oral auction sales the high bidder must confirm his bid in writing immediately upon being declared the high bidder.

(b) At the request of the authorized officer, or the officer conducting the sale, bidders must furnish evidence of qualification in conformance with § 259.46 or if such evidence has already been furnished, make appropriate reference to the record containing it.

(c) When it is in the interest of the Government to do so the authorized officer may reject any or all bids and may waive minor deficiences in the bids or the mineral material sale advertisement.

§ 259.49 Award of contract.

(a) The authorized officer may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. The contract shall be awarded to the high bidder, unless he is not qualified or responsible or unless all bids are rejected. If the high bidder is not qualified or responsible or fails to sign and return the contract together with the required performance bond, the contract may be offered and awarded for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

(b) Within 30 days after receipt of the contract the successful bidder shall sign and return the contract, together with any required performance bond: *Provided,* That the authorized officer may, in his discretion, extend such period an additional 30 days if the extension is applied for in writing and granted in writing within the first 30-day period. If the successful bidder fails to comply within the stipulated time, his bid deposit shall be forfeited as liquidated damages.

§ 259.50 Contract forms.

All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, protection of improvements, and watersheds and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

§ 259.51 Performance bonds.

(a) A performance bond of not less than 20 percent of the total contract price will be required for contracts of $2,000 or more. When the total contract price is less than $2,000, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the U.S. Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) Where the materials sale contract has required a bond in connection with construction of a road, the authorized officer may, upon satisfactory completion of the road construction, reduce the amount of the performance bond by the amount of all or a portion of the estimated road construction costs: *Provided, however,* That the total amount of the performance bond shall, in no event, be reduced below 20 percent of the total contract price.

§ 259.52 Payments.

(a) No part of any mineral materials sold may be removed unless advance payment has been made as provided in the contract.

(b) For sales under $2,000 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $2,000 or more the authorized officer may allow payment by installments as provided below:

(1) Installment payments shall be determined by the authorized officer but in no case shall be less than 10 percent of the total purchase price. For fixed unit sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of removal operations. Remaining installments shall be due and payable without notice whenever the value of the material removed shall equal the sum of the second and subsequent installments paid by the purchaser. The total amount of the purchase price must be paid prior to 60 days before the expiration date of the contract. The purchaser shall not be entitled to a refund on a fixed unit sale even though the amount of material removed or designated for removal may be less than the estimated total volume shown in the contract.

(2) For sales of all the material within a specified area, or sales for duration of production, installment payments shall be made in the same manner as in subparagraph (1) of this paragraph, except that if it is determined after all designated material has been removed that the total payments made under the contract exceed the total value of the material measured, such excess shall be returned to the purchaser within 60 days after such determination is made.

§ 259.53 Time for removal.

Time for removing materials sold, except that sold under a duration of production contract, shall not exceed a period of two years except that such time for removal may be extended as provided in § 259.54.

§ 259.54 Extension of time.

If the purchaser shows that his delay in removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than 30 days prior to the expiration date of the time for removal but not earlier than 90 days prior thereto. Additional extensions may be granted if the purchaser submits the same type of written request not later than 30 days prior to the expiration date of an extension but not earlier than 90 days prior thereto. No extension may be granted without reappraisal as provided in § 259.55.

§ 259.55 Reappraisals.

If an extension is granted as provided in § 259.54, mineral materials remaining on the contract area, title to which has not passed to the purchaser, shall be reappraised by the authorized officer. Such reappraised prices shall become the new unit prices for the purpose of computing the reappraised total purchase price except that the new unit prices shall not be less than the unit prices that were in effect during the original time for removal or previous extension.

§ 259.56 Assignments.

(a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State in which the mineral material is located; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by § 259.51 or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

FREE USE

§ 259.57 Application for permit.

An application for permit, in duplicate, must be made on Bureau approved forms and filed in any office or with any employee of the Bureau of Land Management authorized to issue a permit.

§ 259.58 Issuance and cancellation of free-use permit; removal of materials; bond.

(a) A free-use permit, on a form approved by the Director, shall incorporate the provisions, if any, governing the selection, removal, and use of the mineral materials. Free-use permits shall not be issued where the applicant owns or controls an adequate supply of the mineral

materials to meet his needs. The material applied for must be for the applicant's own use and may not be bartered or sold. No mineral materials shall be removed until the permit is issued.

(b) The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions, or if the permit has been issued erroneously.

(c) A bond satisfactory to the authorized officer may be required as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

(d) A free-use permit issued under this part may not be assigned.

§ 259.59 Conservation practices.

All mineral materials disposed of under free-use shall be extracted or removed in accordance with approved conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed, and other values of the land and resources.

§ 259.60 Duration, extension, and termination of permit.

Permits shall be granted for periods not to exceed one year and shall terminate on the expiration dates shown therein unless extended by the authorized officer, such extension not to exceed one year. However, the authorized officer may grant permits to any Federal, State, or Territorial agency, unit, or subdivision, including municipalities, for such periods as he may deem appropriate, not to exceed 10 years. The permittee must notify the officer in charge upon completion of removal.

§ 259.61 Removal by agent.

A free-use permittee may procure the mineral materials by agent. Such agent shall not, however, be paid more than fair compensation for the time, labor, and money expended in procuring the material and processing it, and, no charge shall be made for the material itself. No part of the material may be used in payment for services in obtaining or processing it.

§ 259.62 Removal of improvements.

Upon expiration of the permit period the permittee will be given 90 days to remove equipment, personal property and any improvements he has placed on the land, except roads, culverts and bridges are to be left in place, in good condition and will become the property of the United States upon expiration of the 90-day removal period.

§ 259.63 Permits to governmental units.

A free-use permit may be issued to any Federal or State agency, unit, or subdivision, including municipalities, without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed, provided that the applicant makes a satisfactory showing to the authorized officer that such materials will be used for a public project. Such permits will constitute a superior right to remove the materials and will continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

§ 259.64 Permits to non-profit organizations.

A free-use permit issued to a non-profit association or corporation may not provide for the disposition of mineral materials having an in-place value in excess of $100 during any one calendar year. Such permittee is granted a right to remove materials while the permit remains in force and, in accordance with the provisions of the permit, as against a subsequent applicant who may wish to obtain the same mineral material by purchase. However, the mineral materials may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, mining location or similar rights obtained under the public land laws.

Subpart C—General

§ 259.71 Trespass; penalty for unauthorized removal of materials.

The extraction or removal of timber or mineral materials from public lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department is an act of trespass. Trespassers will be liable in damages to the United States, and will be subject to prosecution for such unlawful acts.

§ 259.72 Appeals.

A party aggrieved by any official action regarding his application, contract, or permit, may appeal from the decision of any subordinate official to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior pursuant to the rules of practice (Part 221 of this chapter).

[F.R. Doc. 59-9876; Filed, Nov. 20, 1959; 8:47 a.m.]

National Park Service

[36 CFR Parts 13, 20]

YOSEMITE NATIONAL PARK

Establishment of Special Trucking Fees

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR Part 13 by adding a new § 13.20 as set forth below. The purpose of this amendment is to establish special fees for trucks in Yosemite National Park, California.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 16, 1959.

1. A new section is added to Part 13, to read as follows:

§ 13.20 Trucking fees, Yosemite National Park.

(a) The fees for special trucking permits issued by the Superintendent in emergencies pursuant to paragraph (a) of § 1.37 of this chapter shall be based on the licensed capacity of trucks, trailers, or semi-trailers, as follows:

Trucks, less than 1 ton.	Appropriate automobile permit fee.
Trucks of 1 ton and over, but not to exceed 10 tons.	$5 for each ton or fraction thereof.

(1) The fee charged is for one round trip between any two park entrances, provided such trip is made within one 24-hour period; otherwise the fee is for a one-way trip.

(2) Trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular automobile fee.

(b) The fee provided in paragraph (a) of this section also shall apply to permits which the Superintendent may issue for trucking through one park entrance to and from privately-owned lands contiguous to the park boundaries, except that such fee shall be considered an annual vehicle fee covering the use of park roads between the point of access to such property and the nearest park exit connecting with a state or county road.

(c) No commercial trucks will be permitted on the Tioga Road except those used in connection with the activities of the United States Government, the State of California, or agencies operating under contract or agreement with the United States Government to render service to the public in the park, or trucks delivering supplies, materials, etc., to the United States Government, the State of California, or contractors or permittees in the park.

§ 20.16 [Amendment]

2. Paragraph (c) of § 20.16 *Special regulations, Yosemite National Park,* is revoked.

[F.R. Doc. 59-9877; Filed, Nov. 20, 1959; 8:47 a.m.]

Fish and Wildlife Service

[50 CFR Part 177]

UNITED STATES STANDARDS FOR GRADES OF FROZEN COD FILLETS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003), that the Director of the Bureau of Commercial Fisheries proposes

to recommend to the Secretary of the Interior the adoption of the regulations set forth in tentative form below to establish grade standards for frozen cod fillets. These regulations are to be codified as Title 50, Code of Federal Regulations, Part 177—United States Standards for Grades of Frozen Cod Fillets, and are proposed for adoption in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621–1627). Functions under that Act pertaining to fish, shellfish, and any products thereof were transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e). These regulations, if made effective, will be the first issued by the Department of the Interior prescribing grade standards for frozen cod fillets.

Prior to the final adoption of the proposed regulations set forth below, consideration will be given to any written data, views, or arguments relating thereto which are received by the Director, Bureau of Commercial Fisheries, Fish and Wildlife Service, Washington 25, D.C., on or before December 18, 1959.

Dated: November 18, 1959.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

PART 177—UNITED STATES STANDARDS FOR GRADES OF FROZEN COD FILLETS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.

177.1 Product description.
177.2 Grades of frozen cod fillets.

WEIGHTS AND DIMENSIONS

177.6 Recommended weights and dimensions.

FACTORS OF QUALITY

177.11 Ascertaining the grade.
177.12 Evaluation of the unscored factor of flavor and odor.
177.13 Evaluation and rating of the scored factors: Appearance, size, absence of defects, and character.
177.14 Appearance.
177.15 Size.
177.16 Absence of defects.
177.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

177.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

177.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

177.31 Score sheet for frozen cod fillets.

PRODUCT DESCRIPTION AND GRADES

§ 177.1 Product description.

The product described in this part consists of clean, whole, wholesome fillets or primarily large pieces of clean, whole, wholesome fillets, cut away from either side of cod, Gadus morhua or Gadus macrocephalus; the fillets may be either skinless or with skin on. They are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. (This part does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

§ 177.2 Grades of frozen cod fillets.

(a) "U.S. Grade A" is the quality of frozen cod fillets that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen cod fillets that possess at least reasonably good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen cod fillets that fail to meet the requirements of U.S. Grade B.

WEIGHTS AND DIMENSIONS

§ 177.6 Recommended weights and dimensions.

(a) The recommendations as to net weights and dimensions of packaged frozen cod fillets are not incorporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weights of the packaged frozen cod fillets be not less than 12 ounces and not over 10 pounds.

FACTORS OF QUALITY

§ 177.11 Ascertaining the grade.

The grade of frozen cod fillets is ascertained by examining the product in the frozen, thawed, and cooked states. The following factors of quality are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, size, absence of defects, and character. These factors are rated in the following manner:

(1) *Flavor and odor.* This factor is rated directly by organoleptic evaluation. Score points are not assessed (see § 177.12).

(2) *Appearance, size, absence of defects, and character.* The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of these factors are:

Factors	*Points*
Appearance	25
Size	20
Absence of defects	40
Character	15
Total possible score	100

§ 177.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the fish flesh has good flavor and odor characteristic of cod (Gadus morhua or Gadus macrocephalus) and is free from staleness, and off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 177.13 Evaluation and rating of the scored factors; appearance, size, absence of defects, and character.

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

§ 177.14 Appearance.

(a) The factor of appearance refers to the normal color of the species of frozen fish flesh, and to the degree and amount of surface dehydration of the frozen product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Tables I and II apply. Frozen cod fillets which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCORE DEDUCTIONS FOR DISCOLORATION

Color of frozen product	Deduction points	
	"Light" colored portion comprising main portion of fillet	"Dark" colored portion occurring under skin mainly along lateral line
No discoloration	0	0
Slight yellowing	2	1
Moderate yellowing	4	2
Excessive yellowing and/or any rusting	13	12

TABLE II—SCORE DEDUCTIONS FOR DEHYDRATION

Degree of dehydration of frozen product	Surface area affected (percent)		Deduction points
	Over—	Not over—	
Slight—Shallow and not color masking	0	1	0
	1	50	2
	50	100	5
Moderate—Deep but just deep enough to easily scrape off with fingernail	1	25	5
	25	50	8
	50	100	16
Excessive—Deep dehydration not easily scraped off	1	25	12
	25	100	25

§ 177.15 Size.

(a) The factor of size refers to the degree of freedom from undesirably small fillet pieces. Any fillet piece weighing less than 2 ounces is classed as being undesirably small.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) For the purpose of rating the factor of size the schedule of deduction-points in Table III apply. Cod fillets which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE III—SCORE DEDUCTIONS FOR SIZE OF FILLET PIECES

Number of fillet pieces less than 2 ounces per pound		Deduction points
Over—	Not over—	
	0	0
0	1	1
1	2	10
2	3	15
3	4	20

§ 177.16 Absence of defects.

(a) The factor of "absence of defects" refers to the degree of freedom from improper packing, cutting and trimming imperfections, blemishes, and bones. Evaluation for the defect of improper packing is made on the frozen product. Evaluation of the defects of cutting and trimming, blemishes, and bones are made on the thawed product.

(1) *Improper packing.* "Improper packing" means poor arrangement of fillets, presence of voids, depressions, frost, and the imbedding of packaging material into the frozen fish flesh.

(2) *Cutting and trimming imperfections.* "Cutting and trimming imperfections" means that the thawed fillets have ragged edges, tears, holes, or are otherwise improperly cut or trimmed.

(3) *Blemish.* "Blemish" means an instance of skin (except for skin-on fillets), scales, blood-spot, bruise, black-belly lining, fin, or extraneous material. One "instance of skin" consists of one piece of skin not less than ½ square inch and not more than 1½ square inches in area; each additional ½ square inch area of individual skin pieces greater than 1½ square inches is considered as an additional instance. One "instance of blood spot" is one of such size and prominence as to be considered objectionable. One "instance of black-belly lining" is any piece of black-belly lining not less than ½ inch and not more than 1 inch in length; each additional ½ inch length of individual pieces of black-belly lining longer than 1 inch is considered as an instance. Each aggregate area of identifiable fin or parts of any fin up to 1 square inch is considered as one "instance of fin". Each aggregate area up to 1 square inch per fillet of one scale or group of scales is considered as one "instance of scales". An "instance of bruise" consists of a bruise not less than ½ square inch and not more than 1½ square inches in area; each bruise larger than 1½ square inches is considered as two instances of bruise.

(4) *Bones.* One "instance of bone" means one bone or one group of bones occupying or contacting a circular area up to 1 square inch.

(b) For the purpose of rating the factor of "absence of defects" the schedule of deduction-points in Table IV apply.

TABLE IV—SCORE DEDUCTIONS FOR ABSENCE OF DEFECTS

Defects subfactors	Method of determining subfactor score	Deduction points
Improper packing.	Moderate defects, noticeably affecting the product's appearance.	2
	Excessive defects, seriously affecting product's appearance.	4
Blemishes	Number of blemishes per 1 lb. of fish flesh:	
	Over 0 not over 1	1
	Over 1 not over 2	3
	Over 2 not over 3	5
	Over 3 not over 4	8
	Over 4 not over 5	12
	Over 5 not over 6	16
	Over 6 not over 7	30
	Over 7	40
Bones	Number of instances per 1 lb. of fish flesh:	
	Over 0 not over 1	0
	Over 1 not over 2	2
	Over 2 not over 3	4
	Over 3 not over 4	6
	Over 4 not over 5	8
	Over 5 not over 6	14
	Over 6 not over 7	30
	Over 7	40
Cutting and trimming.	Slight defects, scarcely noticeable.	0
	Moderate defects, noticeable but not affecting the useability of any fillets.	4
	Excessive defects impairing:	
	(a) the useability of up to ¼ of the total number of fillets.	8
	(b) the useability of over ¼ but not more than ½ of the total number of fillets.	16
	(c) the useability of over ½ of the total number of fillets.	40

§ 177.17 Character.

(a) The factor of character refers to the amount of free drip in the thawed fillets, and to the tenderness and moistness of the cooked fish flesh.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table V apply. Cod fillets which receive 15 deduction-points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCORE DEDUCTIONS FOR CHARACTER

Character subfactors	Method of determining subfactor score	Deduction points
Texture	Texture of the cooked fish:	
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.	0
	(b) Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.	4
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.	8
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.	15
Drip	Percent of drip:	
	Over 0 not over 5	0
	Over 5 not over 6	1
	Over 6 not over 8	2
	Over 8 not over 10	4
	Over 10 not over 12	6
	Over 12 not over 14	9
	Over 14 not over 16	12
	Over 16	15

DEFINITIONS AND METHODS OF ANALYSIS

§ 177.21 Definitions and methods of analysis.

(a) *Percent of drip.* "Percent of drip" means the percent by weight of "free drip" (the fluid which is not reabsorbed by the fish tissue when the frozen fish thaws, and which separates freely without the aid of any external forces except gravity) in an individual package as determined by the following method:

(1) *Apparatus and materials.* (i) Water bath.

(ii) Balance, accurate to 0.1 gm; or 0.01 ounce.

(iii) Pliable and impermeable bag (cryovac, pliofilm, etc.).

(iv) Corrosion resistant metal rod weight (preferably stainless steel or monel metal), measuring 3½ inches in length and approximately ¼–½ inch in diameter.

(v) U.S. Standard No. 8 mesh circular sieve (both 8 and 12 inch diameters).

(vi) Stirring motor.

(vii) Identification tags.

(2) *Procedure.* (i) Place metal rod weight into an empty pliable bag.

(ii) Weigh the bag and the metal weight.

(iii) Remove the frozen fish material from the container (container consists of the carton and the inner and outer wrapping).

(iv) Place the frozen product, plus scraps of any material remaining in the container, into the pliable bag.

(v) Weigh the bag and its contents and subtract tare (empty bag and metal weight) to determine the net weight of the product.

(vi) Suspend the bag and contents in an agitated water bath maintained at 68° F. plus or minus 2° F. The bag should be suspended in the water so that the fish flesh is below the water line.

(vii) Allow the bag and its contents to remain immersed until the product is defrosted (a "test run", in advance, is necessary to determine time required for each product and quantity of product).[1]

(viii) Remove bag and contents from bath and gently dry outside of bag.

(ix) Weigh dry U.S. Standard No. 8 mesh circular sieve.

(x) Open bag and empty contents onto U.S. Standard No. 8 circular sieve so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes.

(xi) Weigh sieve and its contents and calculate drained weight. The drained weight is the weight of sieve and fillets less the weight of the dry sieve.

(xii) Calculate percent drip:

$$\frac{\text{Net weight (v)} - \text{drained weight (xi)} \times (100)}{\text{Net weight (v)}} = \text{Percent of drip.}$$

(b) *Cooking in a suitable manner.* "Cooking in a suitable manner" shall mean that the product is cooked as follows: Place the thawed unseasoned product into a boilable film-type pouch; fold the open end of the pouch over the suspension bar and clamp in place to pro-

[1] The purpose of the "test run" is to determine the time necessary to thaw the product. The complete thawing of the product is determined by frequent but gentle squeezing of the bag until no hard core or ice crystals are felt. This package which has been squeezed can not be used for drained weight calculations.

vide a loose seal. Immerse the pouch and its contents in boiling water and cook until the internal temperature of the fillets reaches 160° F. (about 20 minutes).

LOT CERTIFICATION TOLERANCES

§ 177.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 170 of this chapter (Regulations Governing Processed Fishery Products, 23 F.R. 5064, July 3, 1958).

§ 177.31 Score sheet for frozen cod fillets.

SCORE SHEET

Label: _____
Size and kind of container: _____
Container mark or identification: _____
Size of lot: _____
Number of packages per master carton: _____
Size of sample: _____
Type of overwrap: _____
Actual net weight: _____ (lb.) _____ (kg.)

Factor	Score points	Sample score
Appearance	25	
Size	20	
Absence of defects	40	
Character	15	
Total	100	
Flavor and Odor		
Final Grade		

[F.R. Doc. 59-9869; Filed, Nov. 20, 1959; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 12,915]

OPERATIONS

Proposed Amendment Relating to Change of Office Location

NOVEMBER 18, 1959.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System, it is hereby proposed that § 545.16 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.16) be amended by an amendment the substance of which is as follows:

Section 545.16 aforesaid is hereby amended to read as follows:

§ 545.16 Change of office location.

A Federal association may not move any office without prior approval by the Board. Each application to the Board by a Federal association for permission to move any office of such association shall be supported with a statement showing the need for such change of location, and the estimated expense of removal to and of maintenance at the new location and such other information as the Board may require. If a Federal association changes the location of its home office as fixed in such association's charter, such chapter shall be appropriately amended in accordance with the provisions thereof.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than December 22, 1959, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary*.

[F.R. Doc. 59-9893; Filed, Nov. 20, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA OFFICE REDELEGATION ORDERS

Miscellaneous Amendments

1. Aberdeen Area Office Redelegation Order 2, Amendment 8.

Section 2.230 of Order 2 (19 F.R. 3756) is amended to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 50,000 feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

2. Billings Area Office Redelegation Order 1, Amendment 7.

Section 2.230 of Order 1 (20 F.R. 277) is amended to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 50,000 feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

3. Gallup Area Office Redelegation Order 2, Amendment 11.

Order 2 (19 F.R. 8675), as amended, is further amended as hereinafter indicated.

(1) Part 2, Authority of General Superintendents, Superintendents, and School Superintendent, is amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed fifty thousand feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

(2) Section 3.245, under Part 3, Authority of General Superintendents, is revoked.

4. Minneapolis Area Office Redelegation Order 1, Amendment 4.

Section 2.230 of Order 1 (20 F.R. 2466) is amended to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed fifty thousand feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

5. Muskogee Area Office Redelegation Order 1, Amendment 3.

Order 1 (20 F.R. 657), as amended, is further amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed fifty thousand feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

6. Phoenix Area Office Redelegation Order 1, Amendment 4.

Order 1 (20 F.R. 992), as amended, is further amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed fifty thousand feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

7. Portland Area Office Redelegation Order 1, Amendment 10.

Order 1 (20 F.R. 234), as amended, is further amended by the addition of a new heading and section (under Part 2) to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed fifty thousand feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

8. Sacramento Area Office Redelegation Order 1, Amendment 4.

Section 2.230 of Order 1 (21 F.R. 1296) is amended to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230. *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed fifty thousand feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

H. REX LEE,
Acting Commissioner.

NOVEMBER 17, 1959.

[F.R. Doc. 59-9870; Filed, Nov. 20, 1959; 8:46 a.m.]

[Bureau Order 551, Amdt. 56]

REDELEGATION OF AUTHORITY

Miscellaneous Amendments

Order 551, as amended, is further amended as hereinafter indicated.

1. Paragraph (b) of section 2, *Authority of Central Office Personnel,* is revoked.

2. Section 230 under the heading Functions Relating to Forest and Range Management is amended to read as follows:

SEC. 230. *Forest Management.* (a) All those matters set forth in 25 CFR Part 141 except as provided in paragraph (b) of this section.

(b) The authority granted in paragraph (a) of this section shall not include authority to:

(1) Approve forest management plans prepared pursuant to 25 CFR 141.4.

(2) Approve establishment of Indian individual or tribal logging or sawmill enterprises pursuant to 25 CFR 141.6.

(3) Approve forms of contracts and permits to be used in the sale of free-use cutting of timber pursuant to 25 CFR 141.12 and 25 CFR 141.19, or essential departures from the fundamental requirements of such forms.

(4) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume in excess of 15 million feet, board measure, pursuant to 25 CFR 141.8, 25 CFR 141.9 and 25 CFR 141.13.

(5) Designate any basis of volume determination pursuant to 25 CFR 141.15 except Scribner Decimal C Log Rule or cubic volume.

(6) Authorize changes in requirements of advance payments for allotted timber pursuant to 25 CFR 141.16.

(7) Authorize exceptions to the maximum period for cutting estimated timber volumes pursuant to 25 CFR 141.17.

(8) Issue special instructions as to deductions from timber sale receipts pursuant to 25 CFR 141.18.

(9) Accept payment of damages in full in settlement of civil trespass cases, pursuant to 25 CFR 141.22, when such settlement is in excess of $5,000. "Payment of damages in full" means pay-

ment of the maximum amount due under applicable law.

(10) Dispose of appeals to the Secretary of the Interior or to stay any action under a timber contract from which an appeal has been taken pursuant to 25 CFR 141.23.

3. Section 232 *Cooperative Fire Agreements* is revoked.

H. REX LEE,
Acting Commissioner.

NOVEMBER 17, 1959.

[F.R. Doc. 59-9871; Filed, Nov. 20, 1959; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1959 Revision, Supp. No. 8]

CITIZENS INSURANCE COMPANY OF NEW JERSEY

Surety Company Acceptable on Federal Bonds

NOVEMBER 17, 1959.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $660,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1960. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

New Jersey; Citizens Insurance Company of New Jersey; Hartford, Connecticut.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9891; Filed, Nov. 20, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Determination of Number of Nominees in 1960 Election Year From Cooperative Marketing Associations and From Large, Medium, and Small Handlers, Respectively, for Membership on Prune Administrative Committee

Section 993.28(a)(2) of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides, in substance, that: (1) Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year; (2) prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members; (3) such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by the cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year.

Section 993.28(b) of said amended marketing agreement and order provides in substance that: (1) Prior to March 15 of each election year, the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling prunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a)(2) of such section; (2) at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers; and (3) large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers thereof; medium handlers, those who during the preceding crop year individually handled as the first handlers thereof, eight or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than eight percent of the total tonnage handled by independent handlers as the first handlers thereof.

Section 993.28(b) provides further that the Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting.

Pursuant to the aforesaid provisions and on the basis of information submitted by the committee, it is hereby determined and announced that: (1) Cooperative marketing associations handling prunes on behalf of their members shall nominate (a) pursuant to § 993.28(a)(2) of said amended marketing agreement and order, six producer member nominees and six producer alternate member nominees, and (b) pursuant to § 993.28(b) of said amended marketing agreement and order, three handler member nominees and three handler alternate member nominees; and (2) the apportionment of 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers cannot be followed in the 1960 election year, and, therefore (a) each of the three respective classes of independent handlers (i.e., large handlers, medium handlers, and small handlers, as defined in said § 993.28(b)) shall nominate, pursuant to the provisions of § 993.28(b), one handler member nominee and one handler alternate member nominee, and (b) independent handlers shall determine the size class to which the remaining handler member nominee and handler alternate member nominee shall be apportioned at a general meeting called for that purpose by the committee, pursuant to the applicable provisions of § 993.28(b), and the independent handlers of such size class shall nominate the remaining handler member nominee and handler alternate member nominee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1959.

G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-9846; Filed, Nov. 19, 1959; 8:50 a.m.]

Commodity Stabilization Service

1960-CROP SUGAR BEET WAGES AND PRICES

Notice of Hearings and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. Sup. 1131), and in accordance with the rules of practice

and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Billings, Montana, December 4, Chamber of Commerce Building, at 10 a.m.;

At Salt Lake City, Utah, December 7, Theater Building at the Veterans Hospital, at 10 a.m.;

At Fargo, North Dakota, December 9, Room 220, Post Office Building, at 10 a.m.;

At Detroit, Michigan, December 11, Room 712, U.S. Post Office and Court House, at 10 a.m.;

At Los Angeles, California, January 18, 1960, Room 810, U.S. Post Office and Court House, at 10 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of the Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets for the 1960 crop on farms with respect to which applications for payments under the Act was made, and (2), pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1960 crop of sugar beets to be paid under purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the Act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to all points relative to the subject matter of the hearings.

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood, Ward S. Stevenson and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 17th day of November 1959.

LAWRENCE MYERS,
Director, Sugar Division,
Commodity Stabilization Service.

[F.R. Doc. 59-9882; Filed, Nov. 20, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19846 etc.]

ARKANSAS FUEL OIL CORP. ET AL.

Correction

NOVEMBER 12, 1959.

In the matters of Arkansas Fuel Oil Corporation, et al., Docket No. G-19846 etc.; Socony Mobil Oil Company, Inc., Docket No. G-19891.

In the order for hearings and suspending proposed changes in rates, issued October 23, 1959, and published in the FEDERAL REGISTER on October 31, 1959 (24 F.R. 8911): In Docket No. G-19891, Socony Mobil Oil Company, Inc., FPC Gas Rate Schedule No. 53 to Supplement No. 10 should be corrected to read Socony Mobil Oil Company, Inc., FPC Gas Rate Schedule No. 53 to Supplement No. 5.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9860; Filed, Nov. 20, 1959; 8:45 a.m.]

[Docket No. G-17215 etc.]

CAMPBELL & JOHNSON ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 16, 1959.

In the matters of Campbell & Johnson,[1] Docket No. G-17215; B. B. M. Drilling Company,[2] Docket No. G-17629; J. Glenn Turner, Docket No. G-17753; Hedrick Leggett No. 1,[3] Docket No. G-18189; Sue Reeder Turner,[4] Docket No. G-18310; Washington Natural Gas Company, Docket No. G-18350; Gulf Oil Corporation,[5] Docket No. G-18433; Kenneth Summers, et al.,[6] Docket No. G-18583; C. B. Wright,[7] Docket No. G-18594; Delhi-Taylor Oil Corporation, Docket No. G-18623; H. V. Tucker,[8] Docket No. G-18675; H. C. Bennett,[8] Docket No. G-18676; Standard Oil Company of Texas,[9] Docket No. G-18721; Fairman Drilling Company,[10] Docket No. G-18775; White Eagle Oil Company, Docket No. G-18784; B B M Drilling Company, Operator, et al.,[11] Docket No. G-18830; Empire States Drilling Corporation, Docket No. G-18854; Lee Wilson Gas Company,[12] Docket No. G-18874; Empire States Drilling Corporation, Operator,[13] Docket No. G-18905; United Producing Company, Inc., Docket No. G-18916; Sinclair Oil & Gas Company, Docket No. G-18919; Neville G. Penrose, Inc., Operator, et al.,[14] Docket No. G-18957; Lamb No. 1,[15] Docket No. G-19103; George Bland No. 1,[16] Docket No. G-19104; Kent Elliot, Operator, et al.,[17] Docket No. G-19107; Texaco, Inc., Operator,[18] Docket No. G-19127.

Take notice that each of the above applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser

G-17215; Acreage in Nowata County, Okla.; Cities Service Gas Co.

G-17629; Spraberry Trend Area, Midland County, Tex.; El Paso Natural Gas Co.

G-17753; Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.

G-18189; Southwest District, Doddridge County, W. Va.; Equitable Gas Co.

G-18310; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Co.

G-18350; Vandalia Field, Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.

G-18433; Southeast Rayne Field, Lafayette Parish, La.; Transcontinental Gas Pipe Line Corp.

G-18583; Bear Fork Field, Cove District, Doddridge County, W. Va.; Equitable Gas Co.

G-18594; Clay District, Ritchie County, W. Va.; Equitable Gas Co.

G-18623; Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.

G-18675; Mocane Area, Beaver County, Okla.; Colorado Interstate Gas Co.

G-18676; Mocane Area, Beaver County, Okla.; Colorado Interstate Gas Co.

G-18721; Aztec (Pictured Cliffs) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.

G-18775; Boon Mountain Field, Clearfield County, Pa.; The Sylvania Corp.

G-18784; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.

G-18830; Spraberry Trend Area, Midland County, Tex.; El Paso Natural Gas Co.

G-18854; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.

G-18874; Murphy District, Ritchie County, W. Va.; Penova Interests.

G-18905; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.

G-18916; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.

G-18919; Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.

G-18957; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Co.

G-19103; Freeman's Creek District, Lewis County, W. Va.; Carnegie Natural Gas Co.

G-19104; New Milton District, Doddridge County, W. Va.; Columbian Carbon Co.

G-19107; Angel Peak and South Blanco (Pictured Cliffs) Fields, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.

G-19127; Texas Hugoton Field, Moore and Sherman Counties, Tex.; Phillips Petroleum Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 5, 1960 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1959. Failure of

See footnotes at end of document.

any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] Campbell & Johnson, Applicant, is a partnership composed of J. D. Campbell and Rubein V. Johnson. Both partners are signatory seller parties to the subject gas sales contract.

[2] B B M Drilling Company acquired the subject acreage by assignment dated October 13, 1958, from Humble Oil & Refining Company, which acreage was unproductive at time of assignment.

[3] Ralph J. Hunter is filing as Agent for the Hedrick Leggette #1, a partnership. Ralph J. Hunter is the sole signatory seller party to the subject gas sales contract.

[4] The subject gas sales contract limits production to horizons down to and including the Pictured Cliffs Formation.

[5] Gulf Oil Corporation is filing for its nonoperating interest in the subject gas unit. Application covers a ratification agreement dated December 30, 1958, of a basic gas sales contract dated August 31, 1956, between J. P. Owen, et al., Sellers, and Transcontinental Gas Pipe Line Corporation, Buyer. Gulf is a signatory party to the subject ratification agreement, which is also signed by Buyer.

[6] Kenneth Summers is filing for himself and as Agent for the following co-owners: F. L. Summers, Ralph Sutton, Richard Hinkle, Clarence M. Rogers, Joe A. Williams, Harold A. Terry, Hugh Cutright, Frank Leskuski, Eva K. Meek, C. E. Meek, Harry Meek, and Mrs. Grady Holyfield. All are signatory seller parties to the subject gas sales contract. Amendment filed changes contract volume shown in original application.

[7] C. B. Wright, Applicant, acquired by purchase on March 26, 1959, the gas sales contract between Ralph E. Michels, et al., d/b/a Ranger Oil and Gas Company, Seller, and Equitable Gas Company, Buyer, dated September 26, 1958.

[8] H. V. Tucker (Docket No. G–18675) and H. C. Bennett (Docket No. G–18676), nonoperators, are filing individually and are both signatory parties to the same ratification agreement which has also been signed by Buyer, dated April 2, 1959, of a basic gas sales contract dated March 14, 1956, as amended, between Union Producing Company, Inc., as Sellers, and Colorado Interstate Gas Company, as Buyer.

[9] The subject gas sales contract limits production to horizons down to and including the Pictured Cliffs Formation.

[10] Fairman Drilling Company, Applicant, is a partnership consisting of Harry Fairman, Frank Fairman, Ernest Fairman, Roy Fairman, Earl Fairman, Milo Fairman and Hubert Griffiths. All are signatory seller parties to the subject gas sales contract.

[11] B B M Drilling Company, Operator, is filing for itself and on behalf of the nonoperator Weldon J. Allen. Humble Oil & Refining Company assigned the subject acreage to B B M Drilling Company by instrument dated May 14, 1959. B B M, in turn, reassigned 11.4094 percent interest in said acreage to Weldon J. Allen by instrument dated May 22, 1959.

[12] Lee Wilson Gas Company, Applicant, is a partnership composed of C. T. Moore and K. W. Fox. Both are signatory seller parties to the subject gas sales contract.

[13] Empire States Drilling Corporation, Operator, is filing for itself and as Operator, lists in its application together with the percentage of interest of each the following nonsignatory nonoperators: Fred Koch and Alfred E. McLane. Operator acquired the subject acreage through assignment dated April 2, 1959, and thereby became the only signatory seller party to a basic gas sales contract between El Paso Natural Gas Company, as Buyer, and R. E. Jackson, Seller, dated December 5, 1955, as amended. Amendatory agreement dated April 8, 1959, deletes from the basic contract certain acreage previously assigned by Jackson to other parties who have negotiated a separate contract with El Paso. The basic contract limits production to horizons down to and including the Pictured Cliffs Formation.

[14] Neville G. Penrose, Operator, is filing for himself and on behalf of Broseco Corporation and John B. Rich who are all signatory seller parties to the basic gas sales contract dated February 13, 1957, and amendatory agreements adding additional acreages thereto and deleting acreage therefrom dated March 29, 1957, October 21, 1957, and April 2, 1959. Application covers the nonoperating interests of Applicants in three separate gas units and Penrose, as Operator of four additional gas units, lists in the application together with the proportionate working interest of each of the following nonoperators: Broseco Corporation, John B. Rich, Texas Pacific Coal & Oil Company and William Fleming.

[15] Hugh K. Spencer is filing as Agent for Lamb No. 1, a partnership. Hugh K. Spencer is the only signatory seller party to the subject gas sales contract.

[16] Hugh K. Spencer is filing as Agent for George Bland No. 1, a partnership. Hugh K. Spencer is the only signatory seller party to the subject gas sales contract.

[17] Kent Elliott, Operator, is filing for himself and on behalf of nonoperators W. P. Maroski and C. C. Smith. All are signatory seller parties to the subject gas sales contract.

[18] Texaco Inc. (formerly The Texas Company), Operator, is filing for itself. Texaco owns 100 percent interest in the Lacy Meek No. 1 and Annie Letterman No. 1 Wells and, as Operator of the Jester "A" No. 1, O. M. Neel No. 1, Becker Unit No. 1 and H. Bullington No. 1 Wells, lists in the related rate schedule filings together with the percentages of working interests the following nonoperators: Phillips Petroleum Company, also the purchaser, G. R. Whittington, Smith Development Company and Cree Oil and Development Company. Texaco Inc. is the only signatory seller party to the subject gas sales contract.

[F.R. Doc. 59–9861; Filed, Nov. 20, 1959; 8:46 a.m.]

[Docket No. G–17929]

EL PASO NATURAL GAS CO.

Notice Fixing Date of Hearing

NOVEMBER 16, 1959.

This proceeding concerns the proposed increased rates and charges contained in the revised tariff sheets tendered for filing by El Paso Natural Gas Company on January 28, 1959. By order issued herein on February 27, 1959, the Commission entered upon a hearing concerning the lawfulness of the rates, charges, classifications or services contained in El Paso's FPC Gas Tariff, Original Volume No. 1, and Third Revised Volume No. 2, as proposed to be amended by the tendered revised tariff sheets. By orders issued herein on September 3, 1959, and September 30, 1959, other revised tariff sheets enumerated in those orders were permitted to be filed and made effective subject to the orders of the Commission in this proceeding.

Take notice that pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Commission's prior orders issued herein, a public hearing will be held commencing on January 26, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in this proceeding.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 5, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–9862; Filed, Nov. 20, 1959; 8:46 a.m.]

[Docket No. G–18673]

LACLEDE GAS CO.

Notice of Postponement of Hearing

NOVEMBER 16, 1959.

Upon consideration of the motion filed by Counsel for Laclede Gas Company on November 12, 1959, for postponement of the hearing now scheduled for November 23, 1959, in the above-designated matter;

The hearing now scheduled for November 23, 1959, is hereby postponed to December 14, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–9863; Filed, Nov. 20, 1959; 8:46 a.m.]

[Docket No. G–15174]

MISSISSIPPI RIVER FUEL CORP.

Notice of Date of Hearing

NOVEMBER 12, 1959.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR Ch. I) a hearing will be held on January 12, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in the Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets (23 F.R. 3946–3947), issued on May 29, 1958, in Docket No. G–15174 and the Order Making Effective Proposed Tariff Changes upon Filing of Bond or Equivalent Assurance of Refund of Excess Charges issued December 11, 1958, in the same Docket, as amended by order issued February 4, 1959.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with

the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 24, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9864; Filed, Nov. 20, 1959; 8:46 a.m.]

[Docket Nos. G-19040, G-19041]

NORTHERN NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

Notice of Consolidation of Proceedings and Date of Hearing

NOVEMBER 12, 1959.

The above proceedings relate to proposed increased rates and charges which have heretofore been suspended by orders of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said proceedings are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the prior orders of the Commission in each of the above proceedings, a public hearing will be held on January 19, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in these consolidated proceedings.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 31, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9865; Filed, Nov. 20, 1959; 8:46 a.m.]

[Docket No. G-17835, etc.]

SMITH DEVELOPMENT CO. ET AL.

Notice of Severance

NOVEMBER 16, 1959.

In the matters of Smith Development Company (Agent), et al., Docket No. G-17835, etc.; Sinclair Oil & Gas Company, Docket No. G-17917; George R. Brown, et al., Docket No. G-18131; J. C. Trahan Drilling Contractor, Inc. (Operator), et al., Docket No. G-18287; Sinclair Oil & Gas Company, Docket No. G-18679.

Notice is hereby given that the Presiding Examiner in the above-entitled consolidated proceedings granted Staff Counsel's motion to sever the respective applications in Docket Nos. G-17917, G-18131, G-18287, and G-18679 from said consolidated proceedings subject to further notice of the Secretary.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9866; Filed, Nov. 20, 1959; 8:46 a.m.]

LAND WITHDRAWN IN PROJECT NO. 891

Vacation of Withdrawal Under Section 24 of the Federal Water Power Act

NOVEMBER 13, 1959.

The Forest Service, United States Department of Agriculture, by letter dated July 28, 1959, has requested revocation of the withdrawal of land under section 24 of the Federal Water Power Act pursuant to the filing on April 11, 1928, of an application for a license for constructed minor Project No. 891. The land involved is described in the Commission's July 24, 1928 withdrawal notification letter as follows:

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 9 E.,
Sec. 28, SE¼SE¼.

License No. 3 for the project expired June 18, 1958.

The Forest Service has informed the Commission that the project has not generated power for several years.

The project, which had an installed capacity of 12 horsepower, and occupied approximately one acre of land of the United States within the Deschutes National Forest on and adjacent to Jack Creek in Jefferson County, Oregon, has apparently been abandoned.

The Commission finds: Inasmuch as the land has negligible value for purposes of power development, the existing withdrawal serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Water Power Act pursuant to the filing of the application for a license for Project No. 891 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9867; Filed, Nov. 20, 1959; 8:46 a.m.]

DELEGATION OF FINAL AUTHORITY FOR REJECTION OR ACCEPTANCE OF RATE FILINGS UNDER FEDERAL POWER ACT AND NATURAL GAS ACT

NOVEMBER 17, 1959.

Pursuant to the provisions of section 3 of the Administrative Procedure Act, notice is hereby given that the Commission has delegated final authority to the Secretary, and in his absence the Acting Secretary, certain functions, described below, for rejection or acceptance of rate filings tendered pursuant to the Federal Power Act and the Natural Gas Act:

1. *Definition.* The term "rate filing" for purposes of this notice means any filing tendered pursuant to section 205 of the Federal Power Act and part 35 of the Commission's regulations thereunder, or pursuant to section 4 of the Natural Gas Act and part 154 of the Commission's regulations thereunder, or pursuant to the provisions of a Commission order or a certificate of public convenience and necessity.

2. *Rejection.* A rate filing shall be rejected by the Secretary in accordance with § 1.14(a)(2) of the Commission's rules of practice and procedure, if it fails to comply with applicable statutory requirements, Commission rules and regulations, or Commission orders; provided, however, that the Secretary may refer any filing to the Commission for decision, if in his judgment Commission consideration is warranted.

3. *Acceptance.* A rate filing not rejected by the Secretary pursuant to paragraph 2, and not recommended to the Commission for rejection or suspension, shall be submitted to the Secretary for acceptance, unless one or more of the following circumstances obtain, in which event the filing shall be reported to the Commission:

a. The rate filing will effect an increase in rate or charge, and the increase is not directly and solely attributable to an increase in a gathering, production, or other similar tax imposed by a State, which tax the Commission, by prior action, has determined will be accepted as the basis for an increase in rate.

b. The proposed effective date of the rate filing would require waiver of the notice requirements of the statute under which it is tendered.

c. The rate filing should for any other reason be considered by the Commission.

4. *Criteria.* The acceptance of rate filings by the Secretary shall conform to the requirements of applicable law and Commission regulations and shall be in accordance with Commission policies, criteria, and orders in similar or related cases.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9868; Filed, Nov. 20, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1262]

GREENWICH WATER SYSTEM, INC.

Notice of Filing of Application for Order Exempting Transaction Between Affiliates

NOVEMBER 16, 1959.

Notice is hereby given that Greenwich Water System, Inc. ("Greenwich") has filed an application and an amendment thereto pursuant to the provisions of section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the prohibitions of section 17(a) of the Act the proposed sale by Greenwich of collateral trust bonds, of which it is the issuer, to Investors Mutual Inc. of Minneapolis, Minnesota ("Investors"), a registered management, open-end, diversified investment company.

Greenwich is a wholly-owned subsidiary of American Water Works Com-

pany, Inc. ("American"). Investors owns approximately 5.5 percent of American's voting securities and Greenwich is therefore an affiliated person of an affiliated person of Investors as defined in the Act.

Subject to issuance of the order of exemption hereby applied for, Greenwich proposes to sell $4.5 million principal amount of its 6 percent collateral trust bonds, due in 1984, at par plus accrued interest to three institutional investors, including Investors. The latter will purchase $3 million of this offering, the Lincoln National Life Insurance Company of Fort Wayne, Indiana, will purchase $1 million, and the remaining $500,000 will be acquired by the Home Life Insurance Company of New York.

The offering is part of a plan pursuant to which the net proceeds will be used, together with an advance to be made by American of $1,780,000 on open account, to effectuate the following purposes of Greenwich: (1) Repay a bank loan in the amount of $3,350,000; (2) purchase from American all of the common stock of the Noroton Water Company for approximately $385,000; (3) purchase from Northeastern Water Company all of its interest consisting of common and preferred stock and $50,000 aggregate amount of promissory notes of six water works companies operating in Massachusetts, Connecticut, and New Hampshire ("the six New England Companies") for approximately $1,340,000; (4) advance $875,000 to the six New England Companies to enable them to repay bank loans in that amount; and (5) to finance property additions of Greenwich's subsidiaries.

The bonds will be secured by a pledge of all the common and preferred stock owned by Greenwich of six water works companies which it presently owns and of seven water works companies to be acquired pursuant to the plan as hereinbefore set forth.

The application states that the proposed sale was negotiated with the proposed purchasers in arm's length bargaining, that the terms of the transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that it is consistent with the general purposes of the Act and the investment policy of Investors as recited in its registration statement and reports filed under the Act. It also appears that the other institutional investors are purchasing the bonds on identical terms and conditions as proposed in the case of Investors.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is hereby given that any interested person may, not later than November 30, 1959, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-9878; Filed, Nov. 20, 1959; 8:47 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

NOVEMBER 17, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the $1.00 par value common stock of F. L. Jacobs Co., File No. 1-2645.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On November 6, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending November 17, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropirate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 18, 1959, to November 27, 1959, inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-9879; Filed, Nov. 20, 1959; 8:47 a.m.]

[File No. 812-1261]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for Order Permitting Issuance of Redeemable Security Pursuant to Reorganization Without Prospectus

NOVEMBER 16, 1959.

Notice is hereby given that State Street Investment Corporation ("State Street"), a registered open-end investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the issuance of its shares at net asset value plus a 1 percent premium to The Broad Brook Company ("Broad Brook") pursuant to an Agreement of Reorganization between State Street and Broad Brook.

The application makes the following representations:

Broad Brook was engaged in the manufacturing business until December 15, 1953. Broad Brook now has ten stockholders and is a personal holding company for Federal income tax purposes. Since early in 1954 it has operated as a private investment company.

Pursuant to an Agreement of Reorganization dated September 23, 1959 all of Broad Brook's assets will be transferred to State Street in exchange for shares of State Street Stock. The number of shares of State Street to be delivered to Broad Brook shall be determined by dividing the aggregate value of the net

assets of Broad Brook by the net asset value per share of State Street, plus 1 percent, such values to be determined at the close of business on the day before the closing date. Broad Brook has a net asset value of approximately $2,754,000 on September 30, 1959 this being 1.4 percent of State Street assets. When the shares of State Street are received by Broad Brook, Broad Brook plans to distribute such shares to its shareholders in liquidation.

It is further recited that the terms of the Agreement are the result of arm's length negotiations between the officers of State Street and of Broad Brook and that the transaction is beneficial to State Street in that it represents an opportunity to acquire approximately $2,754,000 of additional assets (valued as of September 30, 1959) in one transaction without the expense inherent in any purchase program.

As of September 30, 1959, the net unrealized appreciation of Broad Brook's securities amounted to approximately $260,000 or 9.7 percent of the value of its entire portfolio as compared to unrealized appreciation of $59,600,000 on that date of the securities held by State Street, being approximately 30 percent of the value of its portfolio.

Although State Street is an open-end investment company, it is not offering its shares continuously nor has it done so since 1944. The shares of State Street are traded in the over-the-counter market and for many years its shares have sold at a premium over net asset value. It was felt by State Street that it would not be fair to existing State Street shareholders to issue the shares to Broad Brook without receiving some premium over net asset value. Accordingly, State Street requested a premium and after negotiation a premium of 1 percent was agreed upon.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. As noted above, State Street is not currently offering its securities and does not now have an effective prospectus which describes a "current public offering price" for its shares. Accordingly, it appears that the issuance of State Street shares pursuant to the Agreement of Reorganization will not comply with the provisions of section 22(d) of the Act.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than November 30, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-9880; Filed, Nov. 20, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-143]

GENERAL ELECTRIC CO.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of proposed action with the Office of the Federal Register, the Atomic Energy Commission has issued License No. XR–34 to General Electric Company authorizing export of a research reactor to the Philippine Atomic Energy Commission, Manila, Republic of the Philippines. The notice of proposed issuance of this license, published in the FEDERAL REGISTER on August 6, 1959 (24 F.R. 6318), described the reactor as a 1000 kilowatt open pool-type research reactor.

Dated at Germantown, Md., this 16th day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK, *Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 59-9850; Filed, Nov. 20, 1959; 8:45 a.m.]

[Docket No. 50-142]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on October 19, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR–42 to The Regents of the University of California authorizing construction of a 10-kilowatt Argonaut-type training and research reactor facility on the University of California campus, Los Angeles, California.

The notice of proposed action, published in the FEDERAL REGISTER on October 20, 1959, 24 F.R. 8468, indicated that the licensee would be the University of California at Los Angeles. It was subsequently determined that The Regents of the University of California is the proper legal entity to receive the construction permit.

Dated at Germantown, Md., this 16th day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 59-9851; Filed, Nov. 20, 1959; 8:45 a.m.]

[Docket No. 50-124]

VIRGINIA POLYTECHNIC INSTITUTE

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on October 23, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR–43 authorizing Virginia Polytechnic Institute to construct a 10-kilowatt training and research reactor facility on the Institute's campus in Blacksburg, Virginia. Notice of the proposed action was published in the FEDERAL REGISTER on October 24, 1959, 24 F.R. 8660.

Dated at Germantown, Md., this 16th day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 59-9852; Filed, Nov. 20, 1959; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MISSOURI

Notice of Termination of Major Disaster Assistance

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended, and in furtherance of the provisions of § 1710.16 of the Federal Civil Defense Administration (now Office of Civil and Defense

Mobilization) Federal Disaster Assistance Regulations (23 F.R. 3636), reading in part as follows:

Federal assistance extended under the Act shall terminate upon notice by the Administrator (Director) to the Governor of the State or upon the expiration of one year from the date of notification to the Governor of the President's determination that a major disaster exists, whichever is first * * *;

By notice to the Governor of the State of Missouri, Federal assistance under the Act for the relief of the tornado-stricken areas for the City of St. Louis and St. Louis County, Missouri, declared a major disaster by the President in his declaration of February 10, 1959, has been terminated as of October 15, 1959.

Dated: November 10, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-9853; Filed, Nov. 20, 1959; 8:45 a.m.]

OREGON

Notice of Major Disaster

On October 13, 1959, the President, acting in accordance with the provisions of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended, declared a "major disaster" to exist in the drought-affected areas of the State of Oregon. The President's letter, declaring the "major disaster," reads in part as follows:

I hereby declare a "major disaster" existing in the drought-affected areas of the State of Oregon, under Public Law 875, 81st Congress, as amended, in order to permit the Secretary of Agriculture to invoke emergency authorities vested in him by Public Law 480, 83rd Congress, in specified areas which he determines eligible.

The Secretary of Agriculture, pursuant to the Delegation of Authority to the Secretary of February 13, 1958 (23 F.R. 953), may prescribe, delineate, or certify geographic boundaries in the major disaster areas, for the purpose of performing functions related to the declaration.

Dated: November 10, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-9854; Filed, Nov. 20, 1959; 8:45 a.m.]

UTAH

Notice of Major Disaster

On October 23, 1959, the President, acting in accordance with the provisions of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended, declared a "major disaster" to exist in the drought-affected areas of the State of Utah. The President's letter, declaring the "major disaster," reads in part as follows:

I hereby declare a "major disaster" existing in the drought-affected areas of the State of Utah, under Public Law 875, 81st Congress, as amended, in order to permit the Secretary of Agriculture to invoke emergency authorities vested in him by Public Law 480, 83rd Congress, in specific areas which he determines eligible.

The Secretary of Agriculture, pursuant to the Delegation of Authority to the Secretary of February 13, 1958 (23 F.R. 953), may prescribe, delineate, or certify geographic boundaries in the major disaster areas, for the purpose of performing functions related to the declaration.

Dated: November 10, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-9855; Filed, Nov. 20, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 225]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62686. By order of November 13, 1959, the Transfer Board approved the transfer to Armellini Express Lines, a Corporation, Vineland, New Jersey, of the operating rights in Certificates Nos. MC 105636 Sub 2, MC 105636 Sub 17, and MC 105636 Sub 18, issued by the Commission January 8, 1951, October 6, 1958, and September 25, 1959, respectively, to Holland Highway Express, Inc., Vineland, New Jersey, authorizing the transportation, over irregular routes, of fresh fruits and vegetables, fresh or frozen frog legs, cut flowers, eggs, fresh or frozen fish and shell fish, fresh or frozen fish, flower bulbs, baskets, boxes, crates and hampers, and general commodities, excluding household goods and commodities in bulk, and other specified commodities, to and from specified points in Alabama, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Illinois, Maryland, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, West Virginia, and District of Columbia, and in foreign commerce, general commodities, excluding household goods, commodities in bulk, and other specified commodities, from New York, N.Y., to commercial airports within 25 miles of Miami, Fla., restricted to traffic having an immediately subsequent movement by air. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

[SEAL] HAROLD D. McCOY
Secretary.

[F.R. Doc. 59-9884; Filed, Nov. 20, 1959; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 18, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35839: *Road oil and asphalt—Southwestern points to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B–7681), for interested rail carriers. Rates on asphalt and petroleum road oil, tank-car loads from specified points in southwestern states to Cincinnati, Ohio.

Grounds for relief: Carrier market competition and short-line distance formula.

Tariff: Supplement 51 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4165.

FSA No. 35840: *Scrap iron or steel—Muskegon, Mich., to Chicago, Ill.* Filed by The Chesapeake and Ohio Railway Company for itself (No. 2). Rates on scrap iron or steel, carloads, as described in the application from Muskegon, Mich., to Chicago, Ill.

Grounds for relief: Competition of carriers by water over Lake Michigan.

Tariff: Supplement 77 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-9883; Filed, Nov. 20, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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